



NOTICE OF MEETING

**Notice is hereby given of the Meeting of the
Invercargill City Council
to be held in the Council Chamber,
First Floor, Civic Administration Building,
101 Esk Street, Invercargill on
Tuesday 7 November 2017 at 4.00 pm**

His Worship the Mayor Mr T R Shadbolt JP
Cr R R Amundsen (Deputy Mayor)
Cr R L Abbott
Cr A J Arnold
Cr K F Arnold
Cr T M Biddle
Cr A H Crackett
Cr I L Esler
Cr G D Lewis
Cr D J Ludlow
Cr I R Pottinger
Cr L F Soper
Cr L S Thomas

EIRWEN HARRIS MITCHELL
MANAGER, SECRETARIAL SERVICES

A G E N D A

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Cr A Arnold and Cr G D Lewis.	
2. PUBLIC FORUM	
2.1 K9 CRIBS	
2.1.1 Daryl Chalmers and Kim Findlay will be in attendance to speak to this Item.	
3. ARTS MURIHIKU PRESENTATION	
3.1 Lisa Tou-McNaughton will be in attendance to speak to this Item.	
4. PRESENTATION ON OMAUI TRACK BY COUNCILLOR LLOYD ESLER	
5. ENVIRONMENTAL HEALTH BYLAW	
5.1 Chris Henderson will be in attendance to speak to this Item.	
5.2 Representatives from Healthy Families will be in attendance to speak to this Item	
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	To be tabled.	
16.	URGENT BUSINESS	

17 **PUBLIC EXCLUDED SESSION**

Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting; namely

- (a) *Confirming of Minutes of the Public Excluded Session of Council 26 September 2017*
- (b) *Confirmation of Minutes of the Public Excluded Session of the Extraordinary Council Meeting 17 October 2017*
- (c) *Confirmation of Minutes of the Public Excluded Session of the Community Services Committee 24 October 2017*
- (d) *Confirmation of Minutes of the Public Excluded Session of the Regulatory Services Committee 25 October 2017*
- (e) *Confirmation of Minutes of the Public Excluded Session of the Infrastructure and Services Committee 30 October 2017*
- (f) *Confirmation of Minutes of the Public Excluded Session of the Finance and Policy Committee 31 October 2017*
- (g) *Report of the Chief Executive*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
(a) Confirming of Minutes – Council 26 September 2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
(b) Confirming of Minutes – Extraordinary Council Meeting 17 October 2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
(c) Confirming of Minutes – Community Services Committee 24 October 2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
(d) Confirming of Minutes –	Enable any local authority holding the information to	Section 7(2)(i)

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| | Regulatory Services Committee
25 October 2017 | carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | |
| (e) | Confirming of Minutes – Infrastructure and Services Committee
30 October 2017 | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 7(2)(i) |
| (f) | Confirming of Minutes – Finance and Policy Committee
31 October 2017 | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 7(2)(i) |
| (g) | 6 Bluff Parade, Bluff | Protect the privacy of natural persons, including that of deceased natural persons | Section 7(2)(a) |

INVERCARGILL CITY COUNCIL

FROM: CHIEF EXECUTIVE OFFICER

MEETING DATE: TUESDAY 7 NOVEMBER 2017

INVERCARGILL YOUTH COUNCIL

Report Prepared by: Mary Napper, Community Development Manager

SUMMARY

The Invercargill Youth Council has had a very successful year. The Co-Chairpersons of the Youth Council 2017 will attend the Council meeting to present their annual report.

RECOMMENDATIONS

That the report be received.

IMPLICATIONS

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> No
2.	<i>Is a budget amendment required?</i> No
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> No
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> N/A
6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> Yes.

FINANCIAL IMPLICATIONS

No implications.

ANNUAL REPORT 2017

The annual report of the 2017 Invercargill City Youth Council (ICYC) is attached.

The report outlines the key successes and projects completed during 2017 by the Invercargill City Youth Council. It highlights another extremely successful year for the Invercargill City Youth Council and its members. Invercargill City Youth Council members have gained some valuable learning from their experiences in 2017 and the Invercargill City Youth Council continues to provide a forum for Invercargill's Youth to become civically engaged in their city, as well as providing an environment for positive youth development. The model of the Overs and Unders appears to have worked well by providing an environment for younger members to find their civic voices. This has been highlighted by the projects initiated by the Unders: UN Sustainable Goals and Mates Helping Mates. The 2018 year again looks promising with many projects continuing and possibly starting to celebrate the Invercargill City Youth Council 20th year.

ICYC Annual Report 2017

2017 Invercargill City Youth Council Report

Compiled by the ICYC members and the Community Development Team

The 2017 Invercargill City Youth Council (ICYC) has had a successful year. There were 24 members on the 2017 ICYC. There was a good mixture of experienced members and new members. The average time served by members is two years. The model of two Youth Councils, year 11 and under and student's year 12 and over, was continued from the 2016 ICYC. The two Youth Councils were named respectively the Unders and the Overs for short. The Overs Youth Council had 14 members and the Unders had 10 members. Each Youth Council had a mixture of gender, age, and experience. Each of the Youth Council's would meet separately and discuss issues before coming together to report on the key findings. The 2017 version appeared to work much better as compared to the 2016 version of this model. It is believed that that the lower numbers positively influenced this. This model again provided an opportunity for some of the younger ICYC members to find a civic voice within their own peer group, whereas the older group have been able to put into practise their experience. Having two youth councils created an environment where members could engage in healthy debate on topics and issues. There were several occasions whereby the Youth Council had to navigate through differing opinions to come to a common consensus. This was something they were able to achieve, with members having the opportunity to make contributions and have their opinions and ideas heard. As usual the ICYC ran Committees to facilitate specific projects. Committees were open to members from both Youth Councils and were seen as a good way for peer leadership opportunities, with the older and more experienced members imparting their knowledge and experience to the younger members.

The following is a description of some of the committee projects, achievements and activities that the 2017 ICYC have been involved in this year. Each item includes a comment from a Youth Council member.

Team Building

The year started out with a team building exercise held in February. Nic and Jess from Adventure Development Limited Invercargill facilitated the 2017 team building exercise for ICYC. The team building exercise consisted of some large group games on the grassed area outside Number 10 and some smaller team games in the Baptist Church Hall on Deveron Street. The feedback received from members was very positive and all members who completed the team building exercises said that they would attend an event like this again. Nic and Jess commented on how impressed they were with how well members participated and got involved. The team building exercise created an environment for new members to become acquainted with experienced members and set the tone for the rest of the year.

"The team building event was a success and let the Youth Council members come together and develop the Youth Council's teamwork as a whole, this influenced the Youth Council's success throughout the year." *Janaya Stevenson – Unders*

ICYC Annual Report 2017

Smoke Free Committee

The Smokefree Committee, originally termed the Smokefree Esk Street Committee has been a long-standing project of the ICYC. The committee was originally formed 2 years ago and each year new members have joined and carried on the work from previous years. The 2017 committee saw the culmination of the previous years' hard work with a draft Council Policy going out for public consultation. The ICYC are very proud of the effort they have put in to this and it has been great for some members to be part of the process from the beginning and watch how democracy and local government can work.

"The smoke free initiative was first developed from the opinions of the members of the youth council in 2015. Many events and surveys have taken place over the previous years, such as smokefree cars and surveys about a smokefree CBD. The traction has been really positive and hopefully continues into the future." *Caitlin Boyle - Overs*

Youth Week

The theme for the 2017 Youth Week was '*Our voices count; count our voices.*' The Youth Week Committee decided a survey was the best way to honour this theme. The Youth Week Committee wanted to find out youth opinion about what they thought about Invercargill and how to improve engagement in future Youth Weeks. A paper and electronic survey was administered across five high schools in Invercargill, 238 responses were received back. The information was collated and interpreted and some good feedback was received on how to improve future youth week events. This mainly revolved around a free event with food that is well advertised. Other conclusions gained from the survey suggested that youth had a mainly positive view of Invercargill although they could see areas that would make it more youth friendly.

"This year Youth Week has been a major learning experience for us and we are really pleased with the feedback we got. This year's survey should prove very beneficial for future youth weeks and it was really fun to make." *Mackenzie Fallow - Unders*

Social Media

The Social Media Committee is solely in charge of managing the ICYC Facebook page. There were 8 members on the committee. The work of the committee has seen the ICYC Facebook page steadily gain in popularity over the year. The committee was able to improve the relevance and frequency of their posts. This was directly related to the training that was attended at the #Activate Conference. As well as this the Social Media Committee set up private chat groups and this proved a good forum for communicating to a large proportion of the ICYC members in real time. The result of this saw engagement with posts increase over the year. This was not without its challenges, however, 2017 has been provided a lot of good learning to the ICYC and its members at how social media can be used both positively and negatively.

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“Over the year we have achieved a lot, such as informing the public on events and hosting some great chats. We have been able to help people get information and get photos from a variety of different events. I would say this year was very successful for the Facebook page gaining close to 100 likes.” *Calvin Jenkins - Unders*

It's L.I.T.

It's L.I.T was a forum event run by an ICYC committee. It was held on Friday 9 June at the Invercargill Working Men's club. The event was funded through a Ministry of Youth Development grant that the Youth Council received in 2016. Invercargill secondary schools, training providers, and youth services were invited. Eighty-two young people registered to attend the event. There were 3 speakers invited to discuss Leadership, Innovation and Teamwork (L.I.T). Andrew Moreton CEO of Rugby Southland spoke about team-work, Joe Findlay a young rowing coach from Invercargill spoke about leadership, and Orion Scott from Wellington spoke about innovation and her own design label that she started in her boarding school bedroom. The second half of the day was called Ignition where five entrepreneurial projects were presented to a dragon's den styled panel. The panel chose three groups to receive a \$300 grant and mentoring to get their project off the ground. The evaluations of the event indicated that the event was very well received.

“The ‘It's L.I.T’ youth leadership forum was possibly one of the most successful ICYC events held in recent years. There was a good turnout of people from all different schools and backgrounds and the guest speakers were interesting and relatable. Overall the day was engaging and enjoyable and I believe that I personally took a lot away from it.” *Tom Kennedy - Overs'*

Mates Helping Mates – Youthline Peer Support Training

At the second meeting of the year the Unders group discussed getting training around how they could better respond to their peers who were in distress. Community Development staff contacted Youthline to organise a training to support members with this topic. Youthline developed a bespoke programme for ICYC members to attend. This focussed on developing a self-awareness on what people's personal triggers are, how to support someone in distress and where to access help and support in the local community. The training was over three one hour sessions and was held in May. Feedback from members was that the training was useful. Youthline were impressed by the ICYC's request and that they were trying to be proactive around providing support to other youth in the city.

“I found this course to be thoroughly enjoyable and also extremely informative. I gained lots of new skills in how to relate to others that I use in my day to day life, and am now able to continue to pass those skills on, making the training a huge success.” *Phoebe Lee - Overs'*

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Committee for a Brighter Invers – New Entrance signs

This committee which has been concentrating on improving the city's entranceway welcoming signage and has been patiently waiting for a Council decision on future funding for this project. The project presented an assessment case to the LTP process and has now gone into recess awaiting future developments.

"This committee continued from 2016. Though the new entrance sign proposal has stagnated we still believe that this idea is something worth continuing with in the future. We are also confident the public is interested in this concept. We are pleased with the progress and that the council is aware of this idea." *Meg O'Connell - Overs'*

UN Sustainable Goals

The UN-Sustainable Goals Committee was formed to generate knowledge around the 17 goals that have been developed by the United Nations with the purpose to make the world a better place to live over the next 15 years. The committee had a lot of interest with fourteen members from both the Overs and the Unders wanting to participate. The major achievement for the committee was a project which is relevant to Goal 11: Sustainable Cities and Communities. The project was an Interschool Plastic Bag Challenge where students in years 7 & 8 were encouraged to bring clean plastic bags to school. The school that collected the most plastic bags won a park bench made from recycled plastic bags. The Committee members produced a short video about the project which was posted to the ICYC Facebook page. The project was successful collecting 7342 plastic bags during the week-long event. Southland Boys' High School was the winner collecting plastic bags.

"I wanted to initiate a subcommittee focusing on spreading awareness of the United Nations Sustainable Development Goals across youth from Invercargill. The main reason why I wanted to initiate the subcommittee is because a lot of youth aren't familiar with the goals. I believe it's important for youth to be aware of what the United Nations are putting in place, as we are the generation to make the change." *Madison Flannery – Unders*

South Island Youth Council Forum - #activate

Over the weekend of 13 and 14 May 2017 Hayden Scott-Chambers, Hamish Muhl, Caitlin Smith and Janaya Stevenson represented ICYC at the South Island Youth Council forum - #Activate. This was hosted by Youth Voice Canterbury at the Blue Skies Youth Lodge in Kaiapoi. The event was attended by 120 young people from 20 Youth Council/Youth Participation organisations around the South Island. Several different workshops were held across the two-day event including: The youth code of ethics, Treaty of Waitangi, wellbeing and resilience, running events, social media and engaging Pasifika youth. The keynote presentation was from the National Refugee Youth Council, the first type of Youth Council for refugee youth in the world. There was also time to network and learn how other youth council's work.

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"#activate 2017 was a very enriching experience for me. It was an amazing opportunity to be able network and connect with people from other Youth Councils around the South Island. I made a lot of connections at this event, and I talk to many of them about youth issues, on a regular basis. The highlight of the event though, was the keynote speech from the National Refugee Youth Council. Their recount of their stories, was very moving and gave me a new perspective about refugee issues. Overall, the weekend was an amazing experience." *Hamish Muhl – Overs'*

Submissions and Consultations

During 2017 ICYC made many submissions and were consulted for their opinions over several different topics. These included the following;

- Arts Murhiku
- Smoke free submission
- Healthy Families
- Annual Plan
- Long Term Plan
- Southland Regional Development Agency submission

ICYC Members' Evaluation

Youth Council members were given the opportunity to evaluate their experience of the 2017 ICYC. Members were asked to rate this out of 10, with ten being a positive experience. Members rated their experience highly and the mean rating was an 8 out of 10, 30% rated their experience as being 10 out of 10. Members were asked if they felt heard during Youth Council meetings with 86% agreeing with this. Ninety percent of members felt that the Invercargill City Council listened to the Youth Council and 100% of members participated in a project or a committee. This was an improvement on 2016. Members were also asked to provide comment on their experiences. Some themes that were identified were that members felt that the Youth Council provided an opportunity to further develop skills such as leadership and communication skills, as well as the Youth Council being a good way to have a voice. Members' also provided valuable feedback on how their experience could be improved, this included suggestions around how to structure meetings better. Overall comments made by members were positive about their experience.

Chairpersons Comments

This year has been my first year on the Invercargill City Youth Council. I was lucky enough to have been elected as a chair person and enjoyed the responsibilities and challenges I faced with fulfilling the role. This year I think the Youth Council have done extremely well. Everyone has been open to new ideas and collectively we all put our best foot forward when it came to discussions around things that arose on the agenda and other topics and opinions other people had. This year I personally enjoyed getting to meet new people and believe I have gained many new skills. I really

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enjoyed being a part of the UN Sustainable Development Goals committee and believe that this was a good way to get the youth of Invercargill more involved in what will eventually affect our future. I think this was well communicated to the youth by the Year 7-8 inter-school plastic bag challenge and thought it was a fun way to get everyone more aware of the goals. Overall, I believe it has been a successful year for everyone on the ICYC. *Emilia Dermody -Unders Chairperson*

I have thoroughly enjoyed my year on the youth council. It has been an awesome experience. It has been great to see all the projects that have taken place and all the great discussions to inform the community on what's happening. It has also been great having the separation for the youth council into the Unders and Overs. I think that it was a great idea. I am looking forward to see what will happen next year. *Calvin Jenkins - Unders Chairperson*

Being a Co-Chair for the Unders of the 2017 Youth Council has yet again been an amazing experience, and has offered me many opportunities that have helped me progress into a successful leader. This year the Youth Council has continued to organise a variety of opportunities and events for the Invercargill youth to learn about leadership, teamwork and the importance of our voice. An example of this being the 'It's L.I.T.' leadership forum that some of our members organised. Its L.I.T. encouraged students to be innovative and take any opportunities that arise, which is something that our council strives to achieve. The 2017 Invercargill City Youth council has been a huge success and I feel extremely proud to be a part of a group that cares so much about Invercargill and particularly its Youths involvement. For anyone who is interested in joining our council in 2018 I would highly recommend becoming a part of this rewarding and fun group! *Meg Laker – Unders Chairperson*

Being a Co-Chairperson of the 2017 Youth Council after being a member in 2016 has been a great privilege I have not taken lightly. Being in this position I have adapted and improved in many leadership qualities, for example working with others. Having 3 chairpersons has been a really valuable experience and made me delegate work better and taught me how to learn off others and work as a cohesive leadership team. Being a chairperson has improved my understanding and heightened my confidence in regard to dealing with conflict and how to handle it correctly, to come to an outcome that everyone is pleased with, and resolve the matter civilly. Being a chairperson I have been exposed to an array of opportunities that I have truly appreciated and I would highly recommend joining the Youth Council in 2018 or running for chair if available. I am extremely grateful that my peers elected me to represent them and lead their meetings and want to also thank Mary, Councillor Crackett and Ollie for their ongoing assistance this year and support whilst chairing. *Meg O'Connell – Overs Chairperson*

This year's Youth Council was one of immense challenge and reward. I personally feel that the communication, acceptance, and cooperation has grown significantly among the group as the year has progressed. We overcame conflict and challenges in mature, and professional manners. Similar to 2016, the combination of the 'Unders ' and 'Overs'' groups allowed for healthy discussion surrounding many interesting topics. Differing opinions made each meeting interesting, and I feel that each member always had the opportunity to speak up and be heard. The 2017 Youth Council group has been an exciting and motivated group to work with. *Jack Shaw – Overs Chairperson*

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It has been a great pleasure to Co-Chair the Overs Invercargill City Youth Council alongside both Meg and Jack. The Youth Council this year, in my opinion, had a great bunch of people who had lots to contribute to meetings and whom I have learnt a lot from. Most of all I have learnt a lot about working in a team and how to deal with, at times, difficult situations. Being part of the Social Media Committee I have enjoyed seeing our Facebook page likes and post interaction increase and I hope next year's Youth Council continues to build on this. I have had a fun time, some of the best being when we, the Overs Youth Council, go off on tangents at almost every meeting, leading to the Unders' Youth Council peering through the glass waiting for us to finish. I would also like to thank Ollie, Mary, Cr Crackett and Gemma for being fantastic leaders for us all this year and keeping the ship running smoothly. *Laura McDonald – Overs Chairperson*

Looking Forward

The ICYC looks to celebrate 20 years in 2018. This will make the Invercargill Youth Council one of the longest standing concurrent Youth Councils in New Zealand. There has already been some discussion around possible special projects that could be used to mark the occasion, for example the development of a new logo and a series of articles in the media highlighting the role youth council membership has had in the future of past youth council members.

Conclusions

This report outlines the key successes and projects completed during 2017 by the ICYC. It highlights another extremely successful year for the ICYC and its members. ICYC members have gained some valuable learning from their experiences in 2017 and the ICYC continues to provide a forum for Invercargill's Youth to become civically engaged in their city, as well as providing an environment for positive youth development. The model of the Overs and Unders appears to have worked well by providing an environment for younger members to find their civic voices. This has been highlighted by the projects initiated by the Unders: UN Sustainable Goals and Mates Helping Mates. The 2018 year again looks promising with many projects continuing and possibly starting to celebrate the ICYC's 20th year.

MINUTES OF THE MEETING OF THE INVERCARGILL CITY COUNCIL HELD IN THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING, 101 ESK STREET, INVERCARGILL, ON TUESDAY 26 SEPTEMBER 2017 AT 4.00 PM

PRESENT: His Worship the Mayor Mr T R Shadbolt
Cr R R Amundsen – Deputy Mayor
Cr R L Abbott
Cr A J Arnold
Cr K F Arnold
Cr T M Biddle
Cr A H Crackett
Cr I L Esler
Cr G D Lewis
Cr D J Ludlow
Cr I R Pottinger
Cr L F Soper
Cr L S Thomas

IN ATTENDANCE: Mrs G Henderson – Bluff Community Board
Mr R W King – Chief Executive
Mr C A McIntosh – Director of Works and Services
Mrs P M Gare – Director of Environmental and Planning Services
Mr D J Johnston – Director of Finance and Corporate Services
Mrs E Harris Mitchell – Manager Communications and Secretarial Services
Mr D Booth – Manager Financial Services
Ms M Short - Manager Strategy and Policy
Ms M Napper – Manager Community Development
Ms A Goble - Policy Analyst
Miss K Graber – City Centre Co-ordinator
Ms G Crawford - Community Development Officer
Miss H McLeod - Communications Advisor
Ms L Kuresa – Governance Officer
Mr A Adam – Business Services Manager – Venture Southland

1. **APOLOGIES**

Cr Amundsen put in apology to leave the meeting at 5.30 pm.

Moved Cr Amundsen, seconded Cr Abbott and **RESOLVED** that the apologies be accepted.

2. **PUBLIC FORUM**

2.1 **10 Deveron Street, Invercargill**

2.1.1 ***Representatives from Southland Youth One Stop Shop (No 10) and Invercargill Secondary Schools Network were in attendance to speak to this Item.***

Graham Fletcher, Chairman of Southland Youth One Stop Shop (No 10) said that the two organisations located at 10 Deveron Street operated a unique relationship and had so for the last ten years.

That was supported by a large range of community funders that gave over \$3 million to support the most vulnerable youth in this community. In December 2016 Southland Youth One Stop Shop was informed that the lease at 10 Deveron Street expired in March 2018 and could be reviewed. In 2007 the current location was identified as the most suitable site for the Southland Youth One Stop Shop and this had not changed. No other premises had been identified to meet its needs as effectively as the current premises. Having new premises would negatively impact its ability to provide the current level of services. Southland Youth One Stop Shop did not have the capacity to fund a move, fit-out and additional lease costs. The Southland Youth One Stop Shop was happy to be approached by a generous benefactor who had offered to fund the purchase of the property, so that Southland Youth One Stop Shop and Invercargill Secondary Schools Network and the Invercargill Bowling Club could have long term security to continue in its current location. That proposal had been brought to the Council. As a student of economics and he learnt the difference between price and cost. They were very different. The Council Officers had been fixated on a price of the development. Should Council decide to accept the price offered by the developer, the cost in this case would be measured in social terms. The effect of public money that could be used for the city's benefit would be wasted.

Mr Andrew Wood, Chairman of the Management Group for the Invercargill Secondary Schools Network said that the Invercargill Secondary Schools Network's task was to provide equity. Equity meant a fair go for all children, because different children need different things. The Invercargill Secondary Schools Network provided a range of intervention and programmes designed to help children who needed different kinds of assistance. The Invercargill Secondary Schools Network did this in a collegial way with a large number of agencies, including the Youth One Stop Shop, located in the same building as the Invercargill Secondary Schools Network. That collegiality and collaboration was often spoken of but seldom achieved in the public service of New Zealand. It had been achieved to a very high degree in Invercargill, due to the efforts of the people who work in this place. The last thing they needed was to spend staff time wondering where they would be accommodating their programmes and students. This had been a big distraction to everyone involved. He was thrilled that there was the possibility of a solution to this problem but both organisations still had concerns. The thing that concerned them the most was that it had become obvious that the City leaders had not appreciated the contribution that the programmes made to those in the city, including those who were most vulnerable. The City leaders had not appreciated the support that the two organisations had received from community funders and people who had support their mahi. He said whatever the outcome of the deliberations were, the Council needed to know that there was excellent work being carried at No 10 Deveron Street on behalf of young people in this city who needed assistance of the type that was provided by Invercargill Secondary Schools Network and Youth One Stop Shop. Other cities were envious of what was provided in Invercargill.

Emma, Youth Leader at Southland Youth One Stop Shop (No 10) said that she was representing the many youths that went through No 10 Deveron Street doors. She said that No 10 Deveron Street was a very important location. It was somewhere that everyone knew about. With the bus stop outside the premises, youth had easy access to No 10 being located in town, especially with young people who did not have driver licences or easy access to a vehicle to get to there. She said that No 10 was a comfortable and lovable environment.

If you walked into No 10 you would notice the lovely colour display and each room was a different colour that was chosen by youth when it first opened its doors. It was something that brought it home for everyone knowing that No 10 was for youth and designed by youth and it was somewhere that they would like to stay. Participation from No 10 within groups was a major thing. No matter what, No 10 had always been able to give the youth something they needed, whether it be medical help, assistance through Invercargill Secondary Schools Network or taken from their home environment and assisting outside No 10 or going there on a Friday night and enjoying people's company. Emma asked the youth to stand up with some important messages for Council that said "Let us stay", "Youth have rights", "Let Number 10 stay", "We are the future", "We are the only One Stop Shop", "We won't be youth forever", "The future needs No 10". She presented His Worship the Mayor with a petition that had been signed by 1,592 people and over 300 of those people who signed the petition were youth. She said there was also an online petition with 95 signatures on it. She said she hoped that Council made a decision that benefited everybody.

2.1.2 ***Roger Hodgkinson***

Mr Hodgkinson tabled a copy of his submission and took the meeting through it.

2.1.3 ***Sue Smith***

Mrs Smith said that as a trained Counsellor in drug and alcohol rehabilitation and youth at risk, she had the right to speak on this issue regarding the Southland Youth One Stop Shop. She said that the uniqueness of this particular location, facility and what it provided, because of the way it was set out could not be replicated by the offer of another location, without it being to the detriment of all those who needed its beneficial services. It was not a simple transaction for those who required help and support. It would be a good legacy for this Council to be remembered as the Council that saved No 10, rather than the Council that sold it.

2.1.4 ***A Youth's Voice***

A submission was tabled on this matter, which was received by Council.

2.2 **Invercargill Citizens Bowling Club**

Dalmi Sands was in attendance to speak to this Item.

Ms Sands said that a submission had already been made on this matter to Council at the previous meeting but she was here to present a petition to Council with 1,800 signatures plus 200 online. She presented the petition to His Worship the Mayor and said that next time she was at Council she hoped it was to sign a long term lease for the Invercargill Citizens' Bowling Club.

His Worship the Mayor said that the reason why Councillors made the decision was not about financial gain, it was a presentation that was made to Council by developers. The reason why Council did not announce every negotiation that Council had was because as soon as people found out that Council was interested in a property, for some reason the price increased overnight. It was out of a desire to be secretive that discussions took place at this level.

Cr Pottinger said he wanted to make it clear that the reason why this started was not because of a Council resolution. It came from a meeting of Chairs who met once a month. This topic was brought to the Chairs and from there Council staff had said that it was interested in selling this land. It never came to Council as a resolution.

Cr Soper said she was there at the beginning of the process that created No 10 and the Southland Youth One Stop Shop and she wanted to acknowledge the submitters who spoke on this matter and the powerful way they spoke. She and many others around the table had listened to what was said and Council would be thinking about what was best for this City when it came to making a decision on this matter. She especially wanted to thank the young people who had put a great deal of time and effort into their presentation, and the spokesperson who was very brave in presenting to Council today.

His Worship the Mayor said in Invercargill there was an ageing population and there was also a decline in the number of doctors to serve our community. As a result of that, it was thought that this proposal to set up a health centre for the elderly was something that should be supported. There were many discussions put forward and, as mentioned by Cr Pottinger, no decision had been made and no resolution had been passed by this Council.

3. **NOTICE OF URGENT BUSINESS**

Cr Amundsen informed the meeting of an item to be taken under Urgent Business with regard to Animal Control – Rehoming and Euthanasia.

Moved Cr Amundsen, seconded Cr Biddle and **RESOLVED** that the item with regard to Animal Control – Rehoming and Euthanasia be taken under Urgent Business.

4. **REPORT OF THE INVERCARGILL YOUTH COUNCIL**

4.1 **Help Us Change the World One Plastic Bag at a Time!**

The report had been circulated and Madison Flannery, Molly Haywood and Hamish Muhl took the meeting through it. They also showed a video on this matter.

In response to a question by Cr Pottinger, as to whether the Youth Council had thought about branding the plastic bags and selling them to make money for charity. Maddison Flannery said that one the ideas was to create a recyclable boomerang bag that could be situated outside the supermarkets. This was so people could take the bags back to the supermarkets and put it back to be reused, but the Youth Council felt that with the timeframe, it was an idea that could be done in the future. This project was more realistic for this year.

Cr Thomas commended the Youth Council for a great project. He said that he and Cr Pottinger were members of WasteNet, which would be struggling to find a market for its recycling because China was putting it all out there. It was disappointing that there were not more schools involved in this project but he wanted to know about ongoing collection points at the schools for plastic bags to make more seats.

Hamish Muhl said that this was something that the Youth Council was considering for the future and that the plastic bags would be taken to the Invercargill Prison for prisoners to be recycling them into mats and blankets for underprivileged people in the community.

In response to a question by Cr Esler, as to whether glass had been considered for a project, Madison Flannery said that the Youth Council had not discussed that as yet but it was something to look at for the future.

Moved His Worship the Mayor, seconded Cr Biddle and **RESOLVED** that the report be received.

5. **MINUTES OF THE MEETING OF COUNCIL HELD ON 15 AUGUST 2017**

Moved Cr Amundsen, seconded Cr Thomas and **RESOLVED** that the minutes be approved.

6. **MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 31 AUGUST 2017**

Moved Cr Abbott, seconded Cr Amundsen and **RESOLVED** that the minutes be approved.

7. **MINUTES OF THE MEETING OF THE BLUFF COMMUNITY BOARD HELD ON 4 SEPTEMBER 2017**

Moved Cr Esler, seconded Cr K Arnold and **RESOLVED** that the minutes be received.

8. **MINUTES OF COMMITTEES**

8.1 **Regulatory Services Committee 12 September 2017**

Moved Cr Amundsen, seconded Cr Soper and **RESOLVED** that the minutes be approved.

8.2 **Infrastructure and Services Committee 18 September 2017**

Moved Cr Thomas, seconded Cr Pottinger and **RESOLVED** that the minutes be approved.

8.3 **Finance and Policy Committee 19 September 2017**

Moved Cr Ludlow, seconded Cr Lewis and **RESOLVED** that the minutes be approved.

9. **MINUTES OF THE URBAN REJUVENATION GOVERNANCE SUB-COMMITTEE HELD ON 3 JULY 2017**

Moved Cr K Arnold, seconded Cr Amundsen and **RESOLVED** that the minutes be received.

10. **REPORT OF THE CHIEF EXECUTIVE OFFICER – VENTURE SOUTHLAND**

The report had been circulated and Mr Adam took the meeting through it.

Moved Cr Amundsen, seconded Cr Biddle and **RESOLVED** that the report be received.

11. **REPORT OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

11.1 **Environmental Health Bylaw Review and Amendments**

The report had been circulated and Miss Goble took the meeting through it.

Cr Crackett said that with regard Point 5.2, it said “The verandas shall be maintained to provide harbourage for vermin or the nesting of birds” but the word “provide” should be changed to “prevent”.

Miss Goble said she would make that amendment to the document.

Cr K Arnold thanked Cr Amundsen for highlighting at the Regulatory Services Committee Meeting, the fact that in the city there were low verandas that were an issue. They looked terrible and were unsafe, some had grass growing out of them and were leaking. This draft Bylaw had included the ability to police those verandas so that the onus would be on building owners to ensure that they were well kept and safe for people.

Moved Cr Ludlow, seconded Cr Soper and **RESOLVED** that the report be received with amendment;

AND THAT

Council determine that in accordance with Section 155 of the Local Government Act, a review of the Invercargill City Council Bylaw 2008/1 – Environmental Health is the most appropriate way of enhancing the safety and welfare of the public by minimising nuisance and adverse environmental health effects caused to the community, as far as is practicable through legislative means;

AND THAT

Council undertakes consultation on this Bylaw.

11.2 **Significant Events Bylaw**

Moved Cr Ludlow, seconded Cr Amundsen and **RESOLVED** that the report be received;

AND THAT

Council determines that the Invercargill City Council Bylaw 2011/1 – Significant Events has completed its initial review under the Local Government Act 2002 and it will be updated as such with no changes to be made.

12. **REPORT BY COUNCILLOR REBECCA AMUNDSEN**

12.1 **Campervan Friendly Destination**

The report had been circulated and Cr Amundsen took the meeting through it.

Moved Cr Amundsen, seconded Cr Crackett that the report be received;

AND THAT

Council allocates \$25,000 from the Invercargill Development Project Fund to engage a consultant to undertake the work.

Cr Ludlow said he fully supported the concept of further development on this matter because it was an increasing mode of tourism but \$25,000 for this work was on the steep side. He said that the amount be decreased from \$10,000 to \$15,000.

With the permission of the mover and seconder, the recommendation now read:

Moved Cr Ludlow, seconded Cr Esler that the report be received;

AND THAT

Council allocates \$10,000 from the Invercargill Development Project Fund to engage a consultant to undertake the work.

Cr Pottinger said that since this was to do with vehicles and how to access the city, did Council have the skills in-house to put forward ideas first that could save Council \$10,000. He wanted to move a further amendment that Council uses an in-house person to put forward ideas on this matter.

The amendment lapsed for want of a seconder.

Cr Amundsen said part of the discussions on this matter was that Council staff were currently busy with the Long Term Plan and did not have room in their allocated time to carry out any other additional work. Venture Southland staff were in the same position at the moment with extra work flow that had been created through SoRDS and the ongoing nature of the Long Term Plan. She said it was not all about roading, it was about tourism and bringing all those views and information together rather than doing it separately.

His Worship the Mayor said that a challenge could arise over the issue of freedom campers, which was completely different to campervans and making that differentiation could be different.

The amendment, now being put, was **RESOLVED** in the **affirmative**.

The substantive motion, now being put, was **RESOLVED** in the **affirmative**.

13. **MAYOR'S REPORT**

Moved His Worship the Mayor, seconded Cr Amundsen and **RESOLVED** that the report be received.

14. **URGENT BUSINESS**

14.1 **Animal Control – Rehoming and Euthanasia**

The report was tabled and Cr Amundsen took the meeting through it.

Moved Cr Amundsen, seconded Cr Abbott and **RESOLVED** that Invercargill City Council undertakes a three month engagement process on what the community thinks is the best practice for the dog rehoming or euthanising process.

Cr Abbott said that he endorsed the action because he had been talking to pet lovers and quite unashamedly, he had heard tales that had brought him to tears. He was wondering as to how the selection process would be carried out. He said that in an MPI report that he read, it said that while the captive bolt was a method, it was not necessarily the best practise. He wanted investigations into what the best practise was.

Cr A Arnold said he believed it was very important how this delegation was made up. He believed that when the delegation was agreed on, that group selected a Chairperson for this group as opposed to Council doing it. He said that as a matter of goodwill, the current method of euthanising dogs should stop forthwith.

Cr Biddle said she wanted to move an amendment to the original recommendation that Council stopped using the captive bolt until such time as this matter was resolved.

Moved Cr Biddle, seconded Cr A Arnold that an amendment be made to the original recommendation that the captive bolt method used for euthanising be stopped until this matter is resolved.

Cr Pottinger asked what the panel would be looking at other than rehoming and euthanising. He said that this was a taboo topic but he wanted to know if the panel would be looking at repeat breeding because that seemed to be an ongoing issue.

Cr Amundsen said that at this point and time, the scope was around rehoming and the process for identifying which dogs were able to be rehomed and it was about euthanising and identifying what the community wanted in that respect. If Council tried to do too much at once, it would be too much information and too much work for the panel. In terms of the scope for the panel, she recommended that the panel would get together and come up with the information they needed and she and Mr Youngson would be responsible for collating the information and finding the experts to look into that information to make an informed decision.

Cr K Arnold asked that if this Council was directing that the use of the captive bolt be stopped forthwith, what happened to the dogs that were dangerous and aggressive at the pound. Would the dogs be held indefinitely or would there be a different method used to euthanise them? It was one thing to say, “no more” but Council needed to understand what would happen.

Cr A Arnold said that according to recent figures it was around four dogs a month so it was not a great number of dogs that came under the dangerous and aggressive category. It was more important for Council to look at the make-up of the panel. He said that Cr Amundsen had mentioned the managing of the panel but it needed to be an independent thing.

The big part of this issue was to look at who judged whether a dog needed to be euthanised or not. It needed to be qualified people doing this.

Cr Esler said this could not go forward unless there was an alternative for the dangerous and aggressive dogs. There was no way that things could stay in limbo for some months while the number of dangerous dogs increased. There needed to be something else in place such as the dog getting shot or it was done by injection and if it was by injection then there was a need to look at the costs involved because it was not a cheap process.

Cr Biddle said she wanted to move a further amendment that the captive bolt be stopped immediately and that the alternative would be the lethal injection, until such time as the three month engagement process was undertaken.

With the permission of the seconder, the recommendation now read:

Moved Cr Biddle, seconded Cr A Arnold that Invercargill City Council undertakes a three month engagement process on what the community thinks is the best practice for the dog rehoming or euthanising process;

AND THAT

The captive bolt method to euthanise dogs be stopped immediately;

AND THAT

The alternative be the lethal injection.

Cr Ludlow asked who would be selecting the panel and what the criteria was around the basis of the selection. Cr Amundsen said that a job description would be put out with the Terms of Reference for the group. She had not thought about who would select the panel but she suggested that a vet or somebody who was objective from the community, such as a Justice of the Peace.

Cr Thomas said that he had spoken to Cr Amundsen about this matter and there was no budget created for it but with the timeframe, Council was actually looking at five months and not three. Council was heading into a time where there was downtime and Council did not come back until the end of January 2018, so that needed to be considered. If Council was asking people to do things voluntarily, there needed to be a budget for it.

Cr Abbott said as His Worship what price humanity though, expenses to put an animal down humanely and said once that Council probably spent more on coffee.

Cr Thomas said he just wanted to make the point that there still needed to be a budget for this and it needed to be decided on.

Cr Pottinger said that as far as a budget was concerned, the dog fees went into a special reserve that could only be used for dog related things and this was a dog related thing.

In response to a question by His Worship the Mayor, as to what the special reserve budget was like at the moment, Mr Booth said he believed that the reserve had enough to cover the costs involved with this.

Cr Soper suggested that once the nominations were completed that the Regulatory Services Committee could compile the names and decide on two local veterinarians who would appropriately give advice on choosing six people from the nominations.

His Worship the Mayor said the mover and seconder had been responded to in terms of the details and that would be sorted out once the initial meeting had been held.

The amendment, now being put, was **RESOLVED** in the **affirmative**.

The substantive motion, now being put, was **RESOLVED** in the **affirmative**.

14.2 **Update of Initiatives and Upcoming Activities**

The report was tabled.

Moved Cr K Arnold, seconded Cr Soper and **RESOLVED** that the report be received.

15. **COUNCIL IN PUBLIC EXCLUDED SESSION**

Moved His Worship the Mayor, seconded Cr Amundsen and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, with the exception of Gail Smit and Tim Gibson from QV, namely:

- (a) *2017 Rating Revaluation to Council*
- (b) *Confirming of Minutes of the Public Excluded Session of Council 15 August 2017*
- (c) *Confirming of Minutes of the Extraordinary Public Excluded Session of Council 31 August 2017*
- (d) *Receiving of Minutes of the Public Excluded Session of the Bluff Community Board 4 September 2017*
- (e) *Confirming of Minutes of the Public Excluded Session of the Regulatory Services Committee 12 September 2017*
- (f) *Confirming of Minutes of the Public Excluded Session of the Infrastructure and Services Committee 18 September 2017*
- (g) *Confirming of Minutes of the Public Excluded Session of the Finance and Policy Committee 19 September 2017*
- (h) *Report of the Chief Executive*
- (i) *Report of the Director of Works and Services*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
(a) 2017 Rating Revaluation to Council	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
(b) Confirming of Minutes – Council 15 August 2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
(c) Confirming of Minutes – Extraordinary Council 31 August 2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
(d) Confirming of Minutes – Bluff Community Board 4 September 2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
(e) Confirming of Minutes – Regulatory Services Committee 12 September 2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

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| (f) | Confirming of Minutes – Infrastructure and Services Committee
18 September 2017 | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 7(2)(i) |
| (g) | Confirming of Minutes – Finance and Policy Committee
19 September 2017 | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 7(2)(i) |
| (h) | 2 and 10 Deveron Street, Invercargill | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 7(2)(i) |
| (i) | Contract 785 - Clifton Wastewater Treatment Plant Civil and Mechanical Enabling Works | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | Section 7(2)(i) |

**MINUTES OF THE EXTRAORDINARY MEETING OF THE INVERCARGILL CITY
COUNCIL HELD IN THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION
BUILDING, 101 ESK STREET, INVERCARGILL ON TUESDAY 17 OCTOBER 2017
AT 4.00 PM**

PRESENT: His Worship the Mayor Mr T R Shadbolt
Cr R R Amundsen – Deputy Mayor
Cr R L Abbott
Cr A J Arnold
Cr K F Arnold
Cr T M Biddle
Cr A H Crackett
Cr G D Lewis
Cr D J Ludlow
Cr I R Pottinger
Cr L F Soper

IN ATTENDANCE: Mr R W King – Chief Executive
Mr C A McIntosh – Director of Works and Services
Mrs P M Gare – Director of Environmental and Planning Services
Mr D J Johnston – Director of Finance and Corporate Services
Mrs E Harris Mitchell – Manager Communications and Secretarial Services
Mr D Booth – Manager Financial Services
Ms M Short - Manager Strategy and Policy
Mr P Horner – Manager Building Assets and Museum
Miss A Goble - Policy Analyst
Ms L McCoy - Building Assets Administration
Ms L Kuresa – Governance Officer

1. **APOLOGIES**

Cr Thomas and Cr Esler.

Moved Cr Abbott, seconded Cr Amundsen and **RESOLVED** that the apologies be accepted.

2. **REPORT OF THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

2.1 **Rehoming and Euthanasia of Dogs**

The report had been circulated.

Moved Cr Amundsen, seconded Cr Lewis that:

- The Terms of Reference for the Rehoming and Euthanasia of Dogs Advisory Panel be adopted.
- Advertise for Panel Members in The Southland Times, The Express and The Eye on 21 October 2017, as well on Council's website with applications closing on 3 November 2017.
- Cr Rebecca Amundsen facilitates the Advisory Panel.

- Council delegates the authority to consider applicants for and appoint members of the Advisory Panel. This authority to be delegated to the following three people – the Chair of the Regulatory Services Committee, the Director of Environmental and Planning Services and a Justice of the Peace.
- The Advisory Panel presents their recommendations to the Regulatory Services Committee meeting on Tuesday 27 February 2018.
- The Rehoming and Euthanasia of Dogs review and associated costs be funded from the Dog Control Reserve and dog fees and charges be reviewed for 2018/19 once decisions on rehoming and euthanasia have been made.

Cr Abbot said he did not have a problem with the delegated responsibility for the Chair of the Regulatory Services Committee and a Justice of the Peace and the Director of Environmental and Planning Services to appoint members to the Advisory Panel, but he believed that in the interest of public harmony, he would like to see elected representatives being part of the Appointments Panel and he wanted to move an amendment accordingly.

In response to a question by His Worship the Mayor, as to who Cr Abbott wanted to be representatives on the Appointments Panel, Cr Abbott said that he was wanted to put himself forward as well as Cr A Arnold and Cr Biddle who had demonstrated interest in this matter. He said that they would be there without prejudice and would be working for the interest of the Review Committee Appointments.

Moved Cr Abbott, seconded Cr Ludlow that the appointment of the Director of Environmental and Planning Services to the Panel to appoint the Review Committee be rescinded;

AND THAT

It be replaced with the appointment of not less than three elected representatives be appointed to the Appointments Panel, to work alongside the Chairman of Regulatory and Services Committee and a nominated Justice of the Peace to appoint the Review Committee.

In response to a question by Cr Ludlow, as to whether the Councillors mentioned had expressed a public opinion on this matter, including social media. Cr A Arnold said he had shared information regarding rehoming of dogs but he had not given an opinion and he may have said that he disagreed with the current euthanasia methods.

Cr Abbott said that opinions may have been expressed but this was only to appoint the Appointments Committee and not the Review Committee.

Cr Biddle said that she had stated an opinion on social media but nothing about the current process and it would not impact on her decision making.

His Worship the Mayor said it introduced a bit of a quandary in local government circles and it was raised at the Zone Meeting that the modern social media, when was it public discussion and when was it private communication between two Councillors. He said it was still a bit of a grey area.

Cr Amundsen said that the Appointments Panel needed to be objective when looking at the applications that would be put forward from individuals who wanted to be on the Advisory Panel. That was a very important skill and that was why a Justice of the Peace was suggested because they were trained similar to lawyers to be objective.

Cr Crackett said that she had not expressed a public opinion on this matter and she agreed with Cr Abbott's sentiment that elected representatives should be on the Appointments Panel. She was happy to put her name forward if there was an issue of conflict in relation to the Councillor who had been put forward already.

His Worship the Mayor asked Mr King whether he saw an issue with the amendment in relation to Standing Orders, and whether a similar process to the Hearings Committee should be followed where views had been expressed and the constitution of that Panel been neutral.

Mr King said that the overriding principle was that whoever was appointed to be part of the Appointments Panels needed to participate with an open mind.

Comments in support of the amendment were as follows:

Cr A Arnold said it was an opportunity for Council to fix something that had been deemed to be not right. It was important to do it once and that it be done properly to get it right and the more people on the Appointments Panel, the better. It was more important that people had direct interest in the welfare of animals for Councillors to be on the Appointments Panel.

Cr Biddle said that with all due respect to Cr Ludlow who had brought to Council's attention that this particular process was one that Council had lost control of the situation and now it appeared that Councillors were not making decisions. This particular process of recommendation was one where Council was starting to make decisions with the community and it was important to remember that even though everybody had an opinion around the table but Councillors were able to be objective in situations like this.

Cr Abbott said that no matter what decision came back to Council, everybody had an opinion. It was then that when the evidence was presented to Council and debate the matter in an open mind that Councillors vote democratically. He took exception to the fact that it had been alleged that some Councillors would not be open minded on this Appointments Committee.

Cr Pottinger said he wanted to see a balance with the Appointments Panel by having people who had an appreciation of dogs, which was needed for a good healthy outcome. He believed that the people who were mentioned in bullet point four was good but he would also like to see one Council representative on the Appointments Panel as well.

Cr Abbott said that was not part of the amendment on the tabled.

His Worship the Mayor the Mayor said that the amendment was on the table for discussion unless the mover and seconder agreed to change the amendment.

Cr Abbott said as the mover of the amendment, he wanted to see the amendment stand.

Comments against the amendment were as follows:

Cr Soper said that a further recommendation was that the Advisory Panel presents its recommendations to the Regulatory Services Committee Meeting, which was a check on the recommendation once that Panel had gone through the nominees and recommendations. Cr Abbott's amendment would add a lot of Councillors onto a Panel to make a recommendation that would then come to the Regulatory Services Committee that several of those Councillors were Members of. The first recommendation was the simpler and straight forward one with the Panel that was recommended and then brought back to the Regulatory Services Committee. On that basis, the original recommendation was the simpler and straight forward one and that it would achieve the same outcome. She would not be supporting the amendment.

Cr K Arnold said she agreed with Cr Soper because Council was in a bureaucracy and it was adding another layer to the process. When the information was brought back to the Regulatory Services Committee, all Councillors whether they were members of that Committee or not, were entitled to be at that meeting to discuss the recommendation from the Review Committee. The recommendation is then brought back to Council for ratification, so why would more Councillors be involved in Stage 1 when Council was part of it all the way through. She said she did not feel anti-anything but she felt that for simplicity, Councillors would get plenty of opportunity along the process to have their say.

Cr Lewis said he was speaking against the amendment because a lot of relied on the outcome of advertising for the positions in the first place. It depended on the people who applied for a position on the Advisory Panel as to what the outcome was and not so much the selection of the Appointments Panel.

The motion was put and a show of hands was requested.

The following Councillors voted for the amendment: Councillors Abbott, Biddle, A Arnold, Ludlow and Crackett.

The following Councillors voted against the amendment: Councillors Soper, Pottinger, Lewis, K Arnold and Amundsen.

With the vote tied, His Worship the Mayor voted for the amendment.

The amendment as part of the substantive motion was put and **RESOLVED** in the **affirmative**.

Note: Councillors K Arnold and Soper voted against the motion.

Mr King asked who the three Councillors were who would be members of the Appointments Panel and it was confirmed that Cr A Arnold, Cr Abbott and Cr Biddle.

Moved His Worship the Mayor, seconded Cr Crackett and **RESOLVED** that Cr Abbott, Cr Biddle and Cr A Arnold be members of the Appointments Panel.

3. **NOTICE OF A LATE ITEM**

His Worship the Mayor informed the meeting of a late item to be taken under Urgent Business in Public Excluded Session with regard to 2-10 Deveron Street, Invercargill.

Moved K Arnold, seconded Cr Lewis and **RESOLVED** that the Public Excluded Session with regard to 2-10 Deveron Street, Invercargill be taken under Public Excluded Session for the following reason: *Enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations), under Section 7(2)(i).*

4. **REPORT OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

4.1 **Updated Assumptions Document**

The report had been circulated and Ms Short took the meeting through it.

Moved Cr Ludlow, seconded Cr Amundsen that Council adopts the updated Assumptions Document.

Cr K Arnold said that it was good to see the results of the discussion in this document and she hoped that when this was included in the Long Term Plan, there were explanations included about the fact that Council was looking at fully funded depreciation on Council's assets, which was a big call. She also noted a good explanation in the document that should flow on to the Long Term Plan about the CPI and rates of inflation that every day people experienced when shopping, were not associated with the spending that Council needed to go through. Most of the spending was on infrastructure assets such as pipes and roading material and Council found that when the City was doing well and there was a lot of contract work going on, there was a need to pay more for good and services in terms of roading and other types of contacts when there was a demand on labour. It was frustrating at times when people say that the rating was this and the Council rates was increasing by that amount but they were two different indices. She said that this Policy explained that very well.

The motion, now being put, was **RESOLVED** in the **affirmative**.

4.2 **Infrastructure and Services Strategies**

The report had been circulated and Ms Short took the meeting through it.

Cr K Arnold said that it was good to see the results of the discussion in this document and she hoped that when this was included in the Long Term Plan, there were explanations included about the fact that Council was looking at fully funded depreciation on Council's assets, which was a big call. She also noted a good explanation in the document that should flow on to the Long Term Plan about the CPI and rates of inflation that every day people experienced when shopping, were not associated with the spending that Council needed to go through. Most of the spending was on infrastructure assets such as pipes and roading material and Council found that when the City was doing well and there was a lot of contract work going on, there was a need to pay more for good and services in terms of roading and other types of contacts when there was a demand on labour. It was frustrating at times when people say that the rating was this and the Council rates was increasing by that amount but they were two different indices. She said that this Policy explained that very well.

Moved Cr Ludlow, seconded Cr K Arnold and **RESOLVED** that the Infrastructure and Financial Strategies are adopted by Council in their draft form for use in the 2018-2028 Long Term Plan.

5. **PUBLIC EXCLUDED SESSION**

Moved His Worship the Mayor, seconded Cr Ludlow and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

- (a) *Report of the Director of Finance and Corporate Services*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
(a) 2-10 Deveron Street	Enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

**MINUTES OF THE EXTRAORDINARY MEETING OF THE INVERCARGILL CITY
COUNCIL HELD IN THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION
BUILDING, 101 ESK STREET, INVERCARGILL ON TUESDAY 31 OCTOBER 2017
AT 5.00 PM**

PRESENT: His Worship the Mayor Mr T R Shadbolt
Cr R R Amundsen – Deputy Mayor
Cr R L Abbott
Cr K F Arnold
Cr A H Crackett
Cr I L Esler
Cr G D Lewis
Cr D J Ludlow
Cr I R Pottinger
Cr L F Soper
Cr L S Thomas

IN ATTENDANCE: Mr R W King – Chief Executive
Mr C A McIntosh – Director of Works and Services
Mrs P M Gare – Director of Environmental and Planning Services
Mr D J Johnston – Director of Finance and Corporate Services
Mrs E Harris Mitchell – Manager Communications and Secretarial Services
Mr D Booth – Manager Financial Services
Ms M Short - Manager Strategy and Policy
Mr I Lothian – Audit New Zealand
Ms J Hills – Audit New Zealand
Ms L Kuresa – Governance Officer

1. **APOLOGIES**

Cr A J Arnold and Cr T M Biddle.

Moved Cr Amundsen, seconded Cr Thomas and **RESOLVED** that the apologies be accepted.

2. **REPORT OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

2.1 **2016/207 Annual Plan Report**

The report had been circulated.

Mr Ian Lothian from Audit New Zealand said that today was the statutory deadline for adopting the 2016/2017 Annual Report. He commended the Financial Services Team for preparing the Document and he was happy to issue a clean audit opinion today. It was a good result for this Council and that he was happy to acknowledge the great assistance received from different departments.

Cr Pottinger said as Chair of the Audit Committee he wanted to say that this was the deadline that had just been met. It was a key legal compliance document that was extremely important. There had been some substantial increases in the asset valuations and having that correlated to the Asset Register had caused a timetable right down to the wire, he wanted to take the opportunity to thank Todd O'Connor, Kathleen Simmonds, Anna Goble and Colleen Montgomery and the rest of the Financial team in getting the report to where it was now. After talking to staff today, it had been a big process. He also thanked Mr Lothian for attending today's meeting.

Cr Ludlow said that he echoed Cr Pottinger's comments and wanted to thank the staff for their time that had been involved in last five weeks in getting this Document completed. It had been substantial and it had been well outside of hours and he recognised the phenomenal amount of work to get the report completed within the deadline.

Moved Cr Pottinger, seconded Cr Ludlow and **RESOLVED** that the 2016/2017 Annual Plan Report be adopted.

Mr Lothian said that Council would receive a Management Report from Audit New Zealand with recommendations for this year. That report had been drafted and they were obtaining written feedback from Management on their side of events. When that report was finalised, he would attend the next Audit Committee Meeting to present the report and discuss it with the Committee.

There being no further business, the meeting finished at 5.07 pm.

MINUTES OF A MEETING OF THE BLUFF COMMUNITY BOARD HELD IN THE BLUFF MUNICIPAL CHAMBERS, GORE STREET, BLUFF ON MONDAY 16 OCTOBER 2017 AT 7.00 PM

PRESENT: Mr R Fife (Chair)
Mrs G Henderson
Mr G A Laidlaw
Mrs P Young (from 7.03 pm)
Cr A J Arnold

IN ATTENDANCE: Cr L F Soper
Mrs N Allan – Service Centre Manager
Mr L Beer – Bluff Publicity/Promotions Officer
Ms L Kuresa – Governance Officer

1. **APOLOGY**

Cr I L Esler, Mr W Glassey and Mrs P Young for lateness.

Moved G Henderson, seconded Cr A Arnold and **RESOLVED** that the apologies be accepted.

2. **PUBLIC FORUM**

Nil.

3. **MINUTES OF THE MEETING HELD ON 4 SEPTEMBER 2017**

Moved G Henderson, seconded G Laidlaw and **RESOLVED** that the minutes be accepted as a true and correct record.

4. **MATTERS ARISING**

4.1 **Bluff Concept Plan**

The Chairman said that due to some people being out of the country at present, a meeting would be held next month to progress this matter.

4.2 **Stirling Point**

The Chairman said that Mr Pearson was in the process of getting some work done on this matter. A report would be brought back to the Board in due course.

Note: Mrs P Young joined the meeting at 7.03 pm.

4.3 **Boat Ramp and Cycle Trail**

These items would be discussed under Mr Pagan's report later in the meeting.

4.4 **Freedom Camping**

Cr A Arnold would update the Board on this item later in the meeting.

5. **REPORT OF THE PUBLICITY/PROMOTIONS OFFICER**

The report had been circulated and Mr Beer took the meeting through it.

5.1 **Classic Motorcycle Mecca Burt Munro Challenge Burt Hill Climb – Thursday 8 February 2018**

5.2 **Summer Sounds Concert**

5.3 **America's Cup Visit**

Moved P Young, seconded G Laidlaw that the report be received.

P Young said the Flower Show that was on at the Marae during the Burt Munro event was a big national event rather than a local one. Mr Beer said that he did not realise that but he would take that into account and liaise with Paddy Row about it.

The Board discussed other upcoming events that included the Tri-Whanau Triathlon, Burt Munro, Book Sale, ? Garden ? and the Treaty of Waitangi event which was through ?

The motion, now being put, was **RESOLVED** in the **affirmative**.

6. **REPORT OF THE DIRECTOR OF WORKS AND SERVICES**

The report had been circulated and Mr Pagan took the meeting through it.

Moved G Henderson, seconded P Young that the report be received.

6. **REPORT OF THE DIRECTOR OF WORKS AND SERVICES**

The report had been circulated and Mr Pagan took the meeting through it.

Moved G Henderson, seconded P Young that the report be received.

6.1 **Bluff Hill Walking Tracks**

Mr Pagan said that more details would be brought back to the Board once it was available. On the long term side of things it may be possible to move the track onto Council land as opposed to farm land but that was an option that had been investigated but it was not an easy fix. He said numbers of people who had already booked to walk the length of New Zealand and would end up in Bluff at around February / March / April 2018.

The Chairman said that he had read that the numbers were going to increase significantly over the two couple of years.

In response to a question by G Laidlaw, as to what the numbers of people who walked the Bluff Hill Walking Track compared to the Sandy Point or Forrest Hill walking tracks. Mr Pagan said that he did not have the numbers with him but when the Department of Conservation presented to the Board at a future meeting, they would be able to tell the Board what the current numbers were for Stirling Point as well. It would be good to compare those numbers.

In response to a question by G Laidlaw, as to whether there were any numbers on mountain bikers using the track, Mr Pagan said that the Mountain Bike Club would have numbers on the events being run but there were no track counters for those.

6.2 **The Cycle Trail**

Mr Pagan said that the Southland Cycling Strategy had been set up with Governance Group that had Council representatives from each of the three councils on it. Underneath that, a Technical Group to advise them and there would be user groups underneath that to advise what sort of activities were going on. It was still at the early stages and part of the Group's job was to look at the big picture. Part of the big picture at present was big trails and tracks around the mountains that had been set up, partly funded or funded around New Zealand. The next trails was the heartland trails and that where the link was between Invercargill to Bluff or where you would link Bluff to Lumsden to meet up with that trail. The heartland trails was using existing trails to some extent but not necessarily built trails but in places where the track may need to be built. They were currently looking at how that linked across Southland. It was very long term. The Invercargill to Bluff Trail was very much in the hands of Environment Southland and had been funding \$50,000 towards progressing that. The Infrastructure and Services Directorate had been trying to get someone to talk to Council about the progress as well as the Board. This would give the Board an idea of where they were at. Some of the other authorities were taking a bigger interest in this as well such as NZTA and had a group that concentrated on safety and cycling within their hierarchy. They had also become aware of the overhead bridge issue, not only cycling but walking and these people walked down the highway at present and over the bridge and there was nowhere else to go. It was an issue that had been highlighted that could benefit everything because people now realise some of the dangers out there. It could also assist with some minor funding regarding road safety funding. The aim was to get someone from Environment Southland to attend a Board meeting to give an update on where the next stage was.

The Chairman said that it was frustrating because this matter had been raised a few time and it had also been included in submissions to Environment Southland and to the Invercargill City Council. From the Board's point of view it was a safety issue with walkers walking on the edge of the road and he worried that it was an accident waiting to happen.

After discussions, it was agreed that someone from Environment Southland needed to come and update the Board on this matter, going forward.

6.3 Road Safety

Mr Pagan said Council had been contacted by NZTA with regard to the turnoff into the Island Harbour. He noticed that there were machinery on the side of road and plantings had been pulled out and some were now lower, so they were working feverishly there today. On the other side where there was a car garage, those plantings were behind a reserve land and NZTA had asked that they be removed, so that line of trees on the corner had previously been cut back, would come out and in future, when going around that corner, you would see right through to the grass behind that area.

In response to a question by R Fife, as to who owned those trees coming into Bluff on the left hand side that had been trimmed back, G Laidlaw said that Transit owned it. The piece that was trimmed would stay there and the other trees would be pulled and replaced with low plantings. It was all to do with the fire around Mobil.

6.4 Christmas Tree

Mr Pagan said that the Christmas tree would be put up in mid-November. With regard to the area in and around boat ramp, they were waiting on the consultants to come back with information on some base concept so that they could progress to the next stage of consultation.

The Chairman noted that it had taken a while to progress that.

Mr Pagan said that the proposal had come back and apart from the finance to complete the work, there should be some progress sooner rather than later.

6.5 Gates on the Playground

Mr Pagan said there had been a request from Gloria Henderson to may be put gates on the playground to stop children running out on the road. It was a Council Policy that playgrounds were not fenced and it was not something that Council was looking at doing. There was a barrier around the playgrounds and it was important to educate children to slow down and not run straight out onto the roads and there was a need for an entrance for people to access the playground. He had also looked at and it was no closer to the road than any shop where children could run out of a shop and onto the road. He was looking at around the Indoor Stadium in Invercargill where there was playground, some shrubbery and then a road and some children had run straight out onto and it was more them running between the shrubs, so motorists were more careful around that area. It was a matter of trying to slow the children down but Council did not [provide](#) early childhood play where it was fully fenced with a lock.

6.6 Stirling Point Sign Post

Mr Pagan said that Mr Pearson was working on the sign post at Stirling Point and there were some new signs that had been requested to put on by Council. The other issue was what the design work for parking and what sort of handrail and glass could be installed if people were to walk around that edge.

6.7 **Rubbish Bins**

Mr Pagan said that he had received an email from Mr Pearson that the bins had been ordered but they had not arrived as yet.

The Chairman said the Board had received a letter from a resident to say that one of the bins was missing. There was also a comment that the bin at Oyster Cove was been used because there was only one bin there and it was overflowing already.

G Henderson said there were freedom campers who put their rubbish anywhere and Mr Pagan said that the biggest problem on top of Bluff Hill where people stop there and it was quite easy for them to tip the rubbish over the edge.

G Laidlaw said that maybe tourists needed to be made aware of the dump station and Mr Pagan said that the dump station was situated at the Camping Grounds, so maybe rubbish containers could be added to that. The dump station was a problem for the Campervan Association having its ? but most of the commercial stuff would ? but it was pointed out by the Association some time ago that it there was not enough room to put a big bus unit or a truck unit into that.

Mr Fife said that it was all very well having dump stations and one that was usable but people needed to be aware of where they were situated, so there needed to be signage to make people aware.

Mr Pagan said it could be worthwhile to carry out a survey this Christmas to find out what people use and they did not use. A student could be contracted to carry out some work on it.

The Chairman agreed with Mr Pagan and said that it would give an overall idea of how many people went around Stirling Point and it would work in well with the Bluff Long Term Plan Concept Plan. It would give an idea of how long visitors were in Bluff for and it would work in well with the freedom campers and campervan. The only way to get a true picture was to get was to have someone in that area over a period of time to take note of it and ask question. It was important for the Board to know how many visitors were going to Stirling Point and how long they stayed in Buff. Other questions that needed to be included in the survey included: where they were staying? Where they had been? The Board had some funding set aside and this was a great way to use it.

In response to a question by G Laidlaw, as to how long it would take for someone to carry out this work, Mr Fife said it would probably be around two months to get an overall picture and that would average out from that. It was important for the Board to start looking over the summer period.

After further discussions, the Board agreed to organise a workshop and the Chair would talk to Bobby Brown from Venture Southland to look at what the Board needed to do in getting a Bluff student to carry out the survey this summer.

The motion, now being put, was **RESOLVED** in the affirmative.

7. **CHAIRMAN'S REPORT**

The report was tabled and the Chairman took the meeting through it.

7.1 **Official Opening Omaui Track**

The Chairman said that the official opening of the Omaui Track was on Sunday 12 November at 2.00 pm. All Community Board Members were welcome to attend.

7.2 **Christmas Function**

The Chairman said that previous Christmas functions had been successful and it would be best to keep that same format. A date would be advised once it was confirmed with the Marae.

Moved R Fife, seconded G Henderson and **RESOLVED** that the Board's Annual Christmas function be held in the same format as previous years.

7.3 **America's Cup**

The Board informed the meeting that the America's Cup would be in town as reported by Mr Beer. The Board had received an invitation from the Bluff Yacht Club to attend the function tomorrow night at Oyster Cove. Two tickets had been provided for two Board Members that the Board needed to pay for as it was a fundraiser for the Yacht Club. He said that he and Mrs Henderson would be attending on the Board's behalf and approval from the Board was needed for the purchase of the two tickets.

Moved P Young, seconded G Laidlaw and **RESOLVED** that the Board approves the purchase of the two tickets for the Bluff Yacht Club Fundraiser.

7.4 **Venture Southland**

The Chairman reported that arising out of the previous meeting he and Mrs Henderson met with Bobbi Brown from Venture Southland about a number of issues such as visitors to Bluff, Oyster World, potentials for Bluff and about different in town and what they did. They discussed that maybe the Board needed to work together with these groups. They also looked at some of the key projects with cruise options, Bluff to Invercargill Cycle/Walkway, information board relocation, development of a visitor hub, Stirling Point carpark and Bluff becoming a campervan friendly town. Venture Southland had funding but it was for projects over \$200,000 but Bobbi Brown was keen to help with the Concept Plan along with Melissa Short. The plan was that rather than rush through to try and get something completed by the end of this year, they would take the time to get it right. He said that he hoped that this time next year, a document was completed to be presented to Council.

7.5 **Bluff Valuations**

The Chairman said that there was a comment in the newspaper about the Bluff valuations increasing by 25%. Bluff was affordable for a start and that was why people were coming to Bluff. It was a good sign for Bluff and it was a good place to live. The million dollar sea views and things were looking good around the town.

P Young said that she read something on Facebook about a couple who had moved to Bluff recently and about how Bluff was a great place to live, which was good for the town.

7.6 **Newsletter**

The Chairman said that the Newsletter would be ready to mail out prior to Christmas.

7.7 **Bursaries**

The Chairman said that it was that time of the year to let people know that the Bluff Community Board Bursaries was available. The close off date was Monday 15 January and advertising would be happening prior to Christmas. The Bursary Committee would get together a week after 15 January and review applications.

Moved R Fife, seconded P Henderson and **RESOLVED** that the report be received.

8. **FINANCIAL STATEMENTS**

The report had been circulated.

Moved G Laidlaw, seconded G Henderson and **RESOLVED** that the report be received.

9. **URGENT BUSINESS**

Nil.

10. **PUBLIC EXCLUDED SESSION**

Moved P Young, seconded G Laidlaw and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

Confirmation of Public Excluded Session Minutes of the Bluff Community Board held on 4 September 2017

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Confirmation of Minutes held 4 September 2017	Protect the privacy of natural persons, including that of deceased natural person.	Section 7(2)(a)

MINUTES OF A MEETING OF THE COMMUNITY SERVICES COMMITTEE HELD IN THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING, 101 ESK STREET, INVERCARGILL ON TUESDAY 24 OCTOBER 2017 AT 4.00 PM

PRESENT: Cr R L Abbott (Chair)
Cr A J Arnold (Deputy Chair)
Cr T M Biddle
Cr I L Esler
Cr G D Lewis
Cr L F Soper
Cr R Currie – Environment Southland

IN ATTENDANCE: Cr K F Arnold
Cr R R Amundsen
Cr L S Thomas
Mr R Pearson – Manager Roading
Mr P Thompson – Aquatic Services Manager
Mr S Ridden – Manager Corporate Services
Ms M Napper – Community Development Manager
Ms M Foster – Manager Library and Archives
Ms M Short – Manager Strategy and Policy
Ms L McCoy - Building Assets Administration
Ms L Kuresa – Governance Officer

1. **APOLOGIES**

His Worship the Mayor Mr T R Shadbolt.

Moved Cr Soper, seconded Cr Biddle and **RESOLVED** that the apology be accepted.

2. **PUBLIC FORUM**

Nil.

3. **MONITORING OF SERVICE PERFORMANCE**

The report had been accepted.

3.1 **Levels of Service**

3.1.1 ***Community Development***

3.1.2 ***Libraries and Archives***

3.1.3 ***Pools***

3.1.4 ***Housing Care Services***

3.1.5 ***Bus and Transport***

Library and Archives

Cr Abbott noted that the Kardashian photo was very innovative. It was a lot of fun and the Invercargill Library made the world stage, which inspired others. He said it was an illustration of dedication by Ms Foster and Library Staff. He congratulated Ms Foster and Library staff for their work.

Pools

Cr Biddle said that she had spent some time at the pools over the last week and it gave her an opportunity to see what appeared to be a lack of space for swimmers in general. There were a couple of people who made comment about how they go to the pool but they could not swim in the lanes because there were not enough lanes during the day from about 9.00 am to 3.00 pm. It was an observation that Council needed to look at the Long Term Plan and whether or not Council needed to invest in a new pool because there was not enough space for people to be swimming between 9.00 am to 3.00 pm.

Cr Abbott said it had been included in the Long Term Plan for consideration and he noted that Cr Biddle would be an advocate for that.

Housing Care Service

Cr Soper noted that the Elston Lea units had been upgraded or had alterations carried out in the last few years and she wondered if the numbers were on track for those units.

Mr Ridden said that the only opportunity to carry out maintenance on those units was when they had been vacated. It was fair to say that there had been a number of tenants at the Elston Lea units who had been there for a number of years and it was how Council best managed carrying out maintenance on those units without moving tenants out of the units. Most of the baths had been replaced with showers and there were only five to six left and the reason why the baths still exist was that tenants enjoyed a soak but Council needed to be mindful of the fact that tenants needed to get in and out of the baths, so Council needed to be aware of that health and safety aspect.

Moved Cr Biddle, seconded Cr Soper and **RESOLVED** that the report be received.

4. **MONITORING OF FINANCIAL PERFORMANCE**

The report had been circulated.

4.1 **Financials**

4.1.1 ***Community Development***

4.1.2 ***Libraries and Archives***

4.1.3 ***Pools***

4.1.4 ***Housing Care Services***

4.1.5 **Bus and Transport**

Moved Cr Lewis, seconded Cr Soper and **RESOLVED** that the report be received.

5. **DEVELOPMENT OF POLICIES/BYLAW**

The report had been circulated and Managers took the meeting through a PowerPoint Presentation on each Activity Plan.

5.1 **Report of the Director of Works and Services**

5.1.1 **Activity Management Plans**

5.1.1.1 **Community Development**

In response to a question by Cr Biddle, as to how Council monitored whether or not the services were delivered with regard to Community Development delivering a lot of services throughout the community, Ms Napper said that Community Services could provide statistics to Council and that was what was included in the Levels of Service at present. It was about how many Neighbourhood Support Groups there were, how many households were involved, how many young people were engaging in programmes that Community Services was involved with and how many people were receiving an outcome from grants that was provided through Community Services. Community Services did not tell Council as to who was better off and how and that was why Community Services wanted to start gathering some stories about who had participated in something and how that family, neighbourhood or community was better off from that engagement.

In response to a question by Cr Soper, as to what the intention was on who would be telling the stories, Ms Napper said that people who were involved in Neighbourhood Support groups would see in the newsletter stories that had come in from people involved with Neighbourhood Support. Community Development would not be putting a lot of time into gathering the information but when they spoke with clients and asked them how something went and what they enjoyed, Community Development would be taking notes about that so that stories were reported in the six-weekly reports to Council or however Council wanted to hear those stories.

Cr Soper commented that sometimes it would be useful to hear directly from some of the people in the community themselves and Ms Napper said that people could be asked if they were prepared to present to the Community Services Committee or to Council and tell of their experience. The more confident people in the community would do that willingly and others would be supported to do that.

5.1.1.2 **Libraries and Archives**

Cr Thomas said that with regard to the term of investment approaches where it talked about Libraries and funders for general rates and not funded through central government but here were options available to Council which were listed. He wondered who was charged with going out and investigating those options because they were included in the document but did Council follow through in looking at those alternative investment approaches.

Mrs Foster said it was her in discussion with the Director, Mr McIntosh. It was something that needed to be investigated because there were limited ways of gaining income and that was why it was included in the document.

Cr Thomas noted that the table that presents the budgets for 2019 to 2028, there were no staff increases. The budget was the same from 2019 to 2028.

Mrs Foster said that the figures for inflation had not been included in the budgets.

5.1.1.3 **Pools**

Cr Abbott said he had a question asked of him that he could not answer with regard to Page 201 where it mentioned part-time Splash Palace crew were also casual Splash Palace crew and he wanted clarification as what the difference was between the two.

Mr Thompson said that part-time staff were those who were on a roster, whereas casual staff were those who were on-call.

In response to a question by Cr A Arnold, as to whether Mr Thompson had considered the combination of part-time staff and casual staff and increasing the price for the peak hours that already existed, Mr Thompson said that the issue with increasing the cost of peak times was that most people went to the pools at peak times. If the cost for peak times was increased, it did not change the time of availability that people had. People typically were able to swim after work and children typically were able to swim when school lessons were on for swimming or after school. What that would do, it would shift affordability.

In response to a question by Cr K Arnold, as to whether there was space available at Elles Road for a new pool and how that would affect carparking, Mr Thompson said that Council owned all the land to the back of the carpark, so that would effectively become carparking. Staff had also put in a proposal that the existing entrance/exit way would become an entranceway and an exit way could be between Rugby Park and Southland Girls' High School onto Tweed Street.

In response to a question by Cr K Arnold, as to how long it took to construct a new pool, Mr Thompson said he did not know the answer to that question but technology had come a long way in building swimming pools. What happened now was that a hole would be dug up in the ground and a stainless line would be put around the hole. Polyurethane would then be put in on top of that and it would get filled with water.

5.1.1.4 **Housing Care Services**

Cr Abbott said he was impressed with the appendices that he received with the agenda. He was not sure if it was a new initiative or not but he wondered if the handbook was relatively new. Mr Ridden said that the handbook had been around for a while now. Housing Care endeavoured to make the transition for incoming tenants as easy as possible. The good thing was to give the best advice and that allowed tenants to live comfortably within the complexes.

Cr Abbott noted that the handbook outlined some good advice and established the rules in a kind sort of way.

In response to a question by Cr Esler, as to whether a pet policy existed, Mr Ridden said that Housing Care allowed one neutered cat, which was the normal and all dogs had been eliminated from the pets' policy.

Moved Cr Soper, seconded Cr A Arnold and **RESOLVED** that it be **RECOMMENDED** to Council that the draft Activity Plans be adopted.

5.2 **Draft Regional Public Transport 2018-2021**

The report had been circulated and Mr Pearson took the meeting through a PowerPoint Presentation.

In response to questions, the following answers were given:

1. The card system we run is a sub-contract through the Otago Regional Council, so we can get the current benefits, which is completely independent to Auckland's card system. It is a purse that you pay into that is held on behalf of the Otago Regional Council and that will be part of the transition from the current Bus Smart card into a new card and how we inform people how best to do that and how we transfer money into it. We will suggest that they run one card as close to zero as they can get it and not leave any money on it. Its part of the communication we will be running with the new ticketing system, which is the Ridewise System. You will be able to use that card in nine regions across New Zealand.
2. The school bus route is run at 5.00 am in the morning and 6.00 pm in the evening to pick up the children. We spend a lot of time talking about Bus Smart but the school children are a very important part of our services. I think these new services will link in better with the school buses and the timing is such that we have contemplated whether we need to put those extra buses on earlier for school buses but it starts to push the cost up bit we have an option to bring some of those in. The buses will run past the high schools at about the right times and there is a little more lead way at the end of the school day.
3. School children are still catching buses that come into the CBD but it's just that they will catch a different bus and have different options but the school buses are full and they probably run as efficiently as they can. If the Bus Smart buses run slightly later then the opportunity to take extra time to get to catch another bus or if they miss the first bus they have a second option. They will still come to the same spot that they currently come to.
4. The first thing is not to confuse the Ministry of Education Bus Services with our bus services because they are a different provider and a different service. The other thing is that part of the submission period gives the people the opportunity to submit and suggest alternatives. At the moment the plan doesn't directly suggest that there will be any additional services to other areas such as Otatara. It doesn't mean to say there can't be but we have an opportunity for units, which is an NZTA term that says if you want to create a new bus service to Winton or Otatara, you need those provisions. We have made provision that we can carry out the trials but that will be a commercial decision that Council needs to consider as to whether it fits into the wider picture and whether it's economic in making sure it doesn't overlap other providers. We also have to convince NZTA to invest in it.

Cr Soper said she was pleased with the whole report and it had summed up in Page 287 the problem that Council had, that the changes in 2012 were the answer and it proved not to be a significant percentage. It was good to see a comprehensive amount of investigation carried out to get to this stage.

She was also pleased to see that a month had been given for submissions because that would give people who fell into that last percentage who in the last five years had stopped using the buses. This was their chance to tell Council what did not work last time and what can now and whether Council had it right this time. She said it was a very positive report overall and congratulated Mr Pearson and his team on their efforts and also in not forgetting about the Total Mobility Scheme because it was a good chance to address making it a lot easier.

Moved Cr Soper, seconded Cr Biddle and **RESOLVED** that it be **RECOMMENDED** to Council that the draft Regional Public Transport Plan is adopted for public consultation and that staff are instructed to undertake consultation on the Plan in accordance with Section 125 of the Land Transport Management Act 2003 and Section 82 of the Local Government Act 2002;

AND THAT

Submissions are invited from 13 November 2017 until Friday 15 December 2017 at 5.00 pm, with submissions being heard at the Community Services Committee Meeting on Monday 26 February 2018.

6. **OTHER BUSINESS**

6.1 **Report of the Chief Executive**

6.1.1 **Community Development Projects**

Cr Amundsen said that Council received a copy of the Southland Community Housing Strategy at a previous Community Services Meeting under Public Excluded Session. The report had been given to the group that initiated the Strategy, the Community Housing Group and to look at responsibility to move forward with the report. The Committee would like the report to be released to the public, which would be put on the Council website tomorrow morning along with a short statement from Council explaining its involvement and how the report came about, including a statement from the Committee about what they were planning to do.

Cr Soper said that with a new Government and soon to be released information as to who would be appointed to Minister of Housing, it would be a very opportune time for Council to take an active position of contacting the Minister and following up some of the housing issues that Council may want some more information on.

Cr Abbott assured Cr Soper that opportunity would be taken, not only for that strategy but also for a complex of Pensioner or Social Housing that was under way.

8. **PUBLIC EXCLUDED SESSION**

Moved Cr Abbott, seconded Cr Soper and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

Report of the Director of Works and Services

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Rejuvenating the CBD	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)

**MINUTES OF A MEETING OF THE REGULATORY SERVICES COMMITTEE HELD IN
THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING,
101 ESK STREET INVERCARGILL ON WEDNESDAY 25 OCTOBER 2017 AT 4.00 PM**

PRESENT: Cr R R Amundsen – Chairperson
Cr T M Biddle – Deputy Chairperson
Cr K F Arnold
Cr A H Crackett
Cr D J Ludlow
Cr L F Soper

IN ATTENDANCE: Cr I R Pottinger
Cr I L Esler
Mr R W King – Chief Executive
Mrs P M Gare – Director of Environmental and Planning Services
Mr T Boylan – Resource Management Manager
Mr B Monaghan – Building Regulation Services Manager
Mr J Youngson - Manager - Environmental Health
Mr S Tonkin - Development Liaison Manager
Ms M Short - Manager Strategy and Policy
Miss A Goble – Policy Analyst
Mrs M Rusike - Team Leader Environmental
Miss E Dickson - Team Leader - Animal Services
Ms L Kuresa – Governance Officer

1. **APOLOGIES**

His Worship the Mayor, Mr T R Shadbolt.

Moved Cr K Arnold, seconded Cr Soper and **RESOLVED** that the apologies be accepted.

2. **PUBLIC FORUM**

2.1 **Commercial Accommodation**

Laura Todd from Accommodation New Zealand was in attendance to speak to this Item.

Ms Todd said that Council had taken a step in the right direction by starting the process of consultation on this matter, which was very important. She said that while the world had moved into an interesting era, the one constant had changed and that change came quickly. Much of the reason for that rapid pace was that people were so well connected through many various online platforms. This meant that everyone, including Council seemed to be constantly playing a game of chase to catch up but the important point of her address was to say that Council had an extremely important role in making the sure that the change complied with many regulations and bylaws put in place over the years. Change should not be forced by the numbers game but it should come through careful consideration. Many argue that the resource consent process was overly complex and in today's world it was one big toll to ensure that when change happened, everyone was able to have their say.

The disturbing thing about the use of online platforms was that they were simply ignoring the world of regulations and red tape. If they got traction in the market place, it would leave everyone else struggling to react. She voiced her concerns and the concerns that other commercial accommodation operators about Bed and Breakfast operators not complying with regulations and having more clients than what was acceptable staying at their premises.

In response to questions, the following answers were given:

1. A lot of it is to do with people getting away with advertising a daily or nightly tariff for a Bed and Breakfast at a room in their own house or a house they own but don't occupy. We just have to look at the fire that happened in London because the safety of the customers who are coming to Southland and the fact that we own a Holiday Park. The regulations for a Holiday Park is that you have to have three metres between campervans and they have to be no more than 75 metres from the toilet block but I do think that people probably don't understand. They think that they can get away with it, so they can make some extra money. That's more our point because that's why we pay for consents when other people don't.
2. Accommodation New Zealand has been talking a lot about educating people about the benefits of commercial accommodation.
3. It's about making sure that the people who have Bed and Breakfast premises have fire regulations and wheelchair accessibility for people who are staying at their premises, so there needs to be one rule for all parties.
4. The statistics for our business is that we are 10% down at the moment and 700 campers down year to year from ten years ago.

Cr Pottinger said that this matter was raised at the last Regulatory Services Meeting and one thing that surprised him was that there was a loop hole in the RMA or the District Plan around the word "homestay". It said that a homestay was that it was basically people who stayed at accommodation that had the owner staying in the accommodation with them. That put that type of accommodation to one side and it was exempt of all the things that Ms Todd had talked about as far as having had those fire safety and wheelchair access.

Mr Boylan said that in terms of the numbers that were in the District Plan and it had been in the Invercargill District Plan for two or three iterations. It said that a homestay was the best option for people wanting accommodation because the people stayed at the premises with the owners with shared facilities with breakfast provided. It was differentiated between homestays and motels or stand-alone accommodation in terms of planning.

In response to a question by Cr Pottinger, as to whether resource consent was needed for a homestay, Mr Boylan confirmed that resource consent was not needed. He said that up to five people was a homestay. The District Plan had the trigger level for a homestay.

Cr Pottinger said that Council had written that into its District Plan, so it was not part of the RMA. He wondered if the District Plan could be changed to make it less permissive.

Mrs Gare said that for the last three District Plans, Council had the opportunity for boarding houses like Bed and Breakfast but if you get over six people staying, you need resource consent. There was a place in Herbert Street called Safari Lodge and they had more than the number of clients that they wanted staying, so they applied for resource consent to have a Bed and Breakfast establishment with more than six guests.

The difficulty that Council had of identifying these properties was that when going on the sites, you did not necessarily get an actual address.

In response to a question by Cr Pottinger, as to the status of the District Plan, Mrs Gare said that at this stage the District Plan was remediating through the final appeals. If you wanted to make a change to the District Plan, my preference would be to wait until it was operative and she hoped that was at the end of year or early next year for any Plan changes. There was potentially a difference between an Airbnb, which was the old boarding house option and someone putting up a whole house for daily tariff.

In response to a question by Cr Pottinger, as to whether she was concerned about the Airbnb facilities, Ms Todd said that if you looked around Southland a lot of the Airbnb states that you get the house to yourself.

Cr Ludlow said that was a branding thing. Airbnb was a house rent and very few were genuine Bed and Breakfast.

Cr K Arnold said that her understanding of Airbnb issue was the whole property being let for a daily tariff and not requiring consent. There were not many concerns about homestays and wondered if that was the threat in this instance.

Ms Todd said that if someone had a house fire for example that would be a big concern. They had been looking into a place in Tay Street where they had resource consent for up to 15 people and they were told that apparently 35 people had stayed there, so it was all to do with safety for the guests. Even if people were renting and a stranger came into their homes, if they did something bad, who would be liable for that.

In response to a question by Cr Soper, as to how Ms Todd envisaged Council being able to track down real offenders, Ms Todd said she had the APP on her phone and a lot of people did too, so it was a matter of going in and seeing the address straight away without paying anything. When you look at it as a whole, it says what suburbs the facilities were and when you made a booking, they send the details straight away.

In response to a question by Cr Soper, as to what Ms Todd was envisaging Council to do about this matter, Ms Todd said she wanted Council to go and check what was going on in these premises and ensure that the correct procedures were in place. She said that they were paying so much money to Council to have consent to operate as an accommodation business. They were proud of the fact that they provided visitors a fantastic stay, they had safe and comfortable facilities and for people visiting Southland, it should be the same for everyone providing accommodation.

In response to a question by Cr Biddle, as to whether there were any other providers throughout New Zealand that had the same issues and how councils had dealt with it, Ms Todd said they had been speaking to Queenstown Lakes District Council and Council staff had been checking people's houses. They had enforced a rule that when people wanted to advertise their Bed and Breakfast facilities would need to go through consent and compliance process. She said they wanted all councils to do the same so that everyone was operating under the same rules.

Cr Amundsen thanked Ms Todd for taking the time to present to the Committee.

2.2 **Barking Dogs on Findlay Road**

Barbara Carlaw was in attendance to speak to this Item.

Ms Carlaw tabled a copy of an aerial map of Findlay Road showing the area that she would be speaking about. She took the meeting through a brief history with regard to the building construction and proposed use at 120 Findlay Road. She said that residents respect and acknowledged the different zones and that there were a number of permitted activities and rule zones. However, there was a clear breach of the zone boundary and Council was unable to contain the noise created inside the rural boundary. The activity became non-compliant and was subject to the Resource Management Act. As outlined the Building Consent Guide on the ICC website an assessment of environmental events should have been undertaken at the time showing what the effect the proposal would have on the 29 residential properties. A simple check on the aerial photograph map supplied off the website clearly showed the close proximity of the houses. The minimum was 36.5 metres. Just because the zone was rural, it did not mean that the activity would be contained in the area, noise travelled. When Invercargill hosted the Air New Zealand long haul bike racing at Ascot Park, Cr Kett visited every house for written permission for that activity to take place for two days over two years. Were the residents not entitled to that same consideration from Council? Due to the relocation of Doggy Day Care previously based in Yarrow Street saw a change in the dynamics of the property, but residents were assured by Council at the time that the number of dogs would not exceed 45 and the previous owner kept the number to around 20. Since the sale of Doggy Day Care, they had seen continual increase in the number of dogs at the premises and a dramatic increase in the noise level with constant barking. In September 2016, the noise became beyond excessive and it became unhealthy and the first complaint was placed at Council. With the exception of visits from Council staff, nothing appeared to be happening. In June of this year there was approximately 88 dogs on the property on one particular day. Residents had received a letter stating that K9 Cribs was a permitted activity for a rural zone. Since then residents had continue to present their concerns and had numerous visits from Council staff, Animal Control and Noise Control all agreeing that there was a problem. K9 Cribs had been served with a number of Abatement Notices all of which they had failed to meet with deadlines for compliance. Residents had met with Council on two occasions, 26 July and 7 September 2017, both of which the residents had to instigate. Residents had dealt with nine different Council staff members and battled to get past the receptionist with calls being transferred. Noise Control had been instructed to lodge any complaints they had received but would not be dealt with until the next working day by a Council staff member. Marshall Day was employed to carry out testing on two sites and it was noted that there was a significant reduction of dog numbers at the property. It should be noted that even with the lower number of dogs the noise was just past the permitted decibels. They also noted that continuous barking had the potential to result of continual adverse effect and should be mitigated. Residents had requested on numerous occasions for testing to be carried out prior to the Abatement Notice being issued to give a baseline for monitoring. This was not deemed necessary and it was not carried out by Council. Residents acknowledged that there were attempts made by K9 Cribs to muffle the noise, however with the number of dogs now back to pretesting level, the noise had increased. Residents felt that they had been patient enough and they had never asked for K9 Cribs to be closed permanently but they do ask for the operation to cease until they were fully compliant with the Abatement Notices, a restriction of opening hours, complete sound proofing and a cap to the number of dogs on the property, this included personal dogs.

The Council had given K9 Cribs the opportunity to comply, so what was Council doing to help the residents. Was it acceptable for residents to wear ear muffs and sleep using them? Under the District Plan, residents were entitled to use our backyard such as have a BBQ but why did one person's right to earn an income take away the right of the surrounding residents who were there first. This Council had failed the residents by not following due process as stated on its website and residents requested that Council took an active look at this and reach complete resolution for both parties.

In response to questions, the following answers were given:

1. Complaints have been phoned in after hours that goes through to Armourguard. At one occasion a gentleman arrived because he was doing another job. He had his own dog barking in the car.
2. When Officers arrive they sit in their vehicles and one of the residents did walk out to tell them that they should get out of the car and go into the property.
3. The last complaint I phoned in was around 5.55 am on 7 October. It was after hours so I phoned Noise Control and I told him what the problem was and he said he would log the complaint. I told him that wasn't good enough and that I wanted someone to come out. He said that he was told that the complaint needed to be logged and not to do anything until the next day and once he realised what he had said, he wouldn't give me his name. I asked him that if it was a party, what would he do and he said that he would go out and shut it down, so I hung up and my husband phoned back and told him that there was a party on Findlay Road.
4. The barking can go for ages or short-term. The thing is we are all dog lovers and have dogs and it's trying to find a nice balance. As I said we don't want to shut this place down, we just want to live in harmony.
5. It's having a detrimental effect to a number of residents and they have asked me to come here today to voice their concerns. It ruins whatever we are doing outside when we hear the dogs barking. Its 36.5 metres from our house where a dog kennel is situated. What was the thinking in that? There were 29 residential properties and not one person looked at the map.
6. We've had two meetings with the Council and they instigated the employment of Marshall Day. He asked for specific times to come out and do that try and see what effect that noise levels. He hasn't come at the times that have been suggested to him and he did do it by it was only for a short period of time.
7. Residents have come up with four things we want done and that is for the operation to cease until K9 Cribs have fully complied with the Abatement Notice, a restriction of opening hours, complete sound proofing and a cap to the number of dogs on the property, this includes personal dogs.
8. I would say that because this is a Doggy Day Care and the barking was worse in the morning and after work.

In response to a question by Cr Biddle, as to what the issues were around the Abatement Notice, Mrs Gare said that Council had issued an Abatement Notice and Marshall Day came down in early October. She had received a report from Marshall Day yesterday and a meeting would be scheduled with Environmental Health and the Council Solicitor to see what the next step was.

In response to a question by Cr Ludlow, as when the Abatement Notice was issued, Mrs Gare said it was issued in May. The matter was identified in the Abatement Notice, never had or should have been complied with by now and that was why Marshall Day had come back because that was after the Abatement Notice period.

In response to a question by Cr Soper, that Mrs Carlaw had said that up to 88 dogs had become a very regular occurrence and wondered if the license covered that many dogs at the premises, Mrs Gare said that because kennels was a permitted activity in the District Plan, there was no maximum number.

In response to a question by Cr Soper, if the answer to the capping issue was exactly that, Mrs Gare confirmed that it was and it was compliant with the noise requirement in the District Plan. From Council's perspective that was the issue rather than the number of dogs.

In response to a question by Cr Pottinger, that in the case of the domicile urban area that Mrs Carlaw lived, if she contacted Council with a dog noise complaint, surely she would be respected no matter where the dog was. She was still entitled as a ratepayer to her urban domicile rights and Mrs Gare confirmed that as being correct.

In response to a question by Cr Pottinger, as to how it could possibly be that moving forward that dogs outside, regardless of what noise insulated the building and still not contribute to noise that was happening and Mrs Carlaw still maintained her rights in her urban dwelling, Mrs Gare said that Marshall Day had undertaken noise recordings in accordance with the District Plan and rules in the District Plan. The first lot of recordings showed that it was right on the border of compliance during the day, making slightly excessive at night. We need to go through the second lot of readings which they did earlier this month.

Cr Pottinger said that if there was a barking dog three or four doors down, nobody would come around with a decibel meter. People hear the barking dog and say that it was annoying or go and talk to the dog owner and get it sorted. He asked if that was the same case with Mrs Carlaw? It was the annoying and that was what he thought Council's District Plan was about, stopping nuisance. What was the need of having decibel meters and readings when you could say that the noise was caused by a barking dog and the person responsible for it needed to do something about it to stop the barking.

Mrs Gare said that the noise consultant had talked about the nuisance value as well as the decibels in the District Plan. Marshall Day also met with the owners of K9 Cribs and Council needed the opportunity to study his report to see how to go forward from here.

Cr Pottinger said he could not see why Council needed to go through these checks when it was clear that the dogs on the property was a nuisance. Regardless of whether it was a permitted activity or not, the sound arriving in the urban domicile area was breaking the rules. If it was dog barking in town and you lived in a street three doors down, the Council would do something about it very quickly and that happened all the time. He asked why this was continuing? Why was Mrs Carlaw paying rates?

Mrs Gare said that the residents had been told that Council was in a process and she had received the report and a meeting would be scheduled with the Lawyer tomorrow to see where to go from here. Council staff needed time to be able to study that report and work out the best solution on this matter.

In response to a question by Cr Pottinger, as to when Mrs Carlaw would receive a response on this matter, Mrs Gare said that the Council Solicitor was back from holiday tomorrow and she a time would be made some time next week to meet with him. She said that she hoped that Mrs Carlaw received a response next week.

In response to a question by Cr Pottinger, as to whether every barking incident that the residents contacted Council about in the meantime would be recorded Mrs Gare said that it would be because Council staff needed to know whether or not the issue was continuing.

Cr K Arnold said that the difficulty for this Committee and any previous Committees was that these items did not come before the Committee until it reached this stage. The decisions that were made about how Council could allow this, Council did not allow it because it was at a staff level. This was news to this Committee but she requested that given the situation, would the Chairperson going to that meeting because Cr Amundsen needed to voice the feeling of the Governance Group as well.

Cr Amundsen that she had attended the last two meetings.

Cr Biddle said there needed to be a commitment today that residents would have some form of timeframe so that this matter did not continue to go unnoticed for the next six months. The residents were clearly upset and probably not sleeping well going by what Mrs Gare had said that there was excessive noise in the evenings.

Cr Amundsen said that there could be a timeframe around the reading of the report and a meeting date but what the Committee could not determine what happened after that. If it was a process of prosecution then there was no way of knowing how long that would take because it would go into Court proceedings.

In response to a question by Cr Biddle, as to what the process was after reading the report in this situation, Mrs Gare said that after the report had been considered by the Lawyer, he would come up with some recommendations as to what Council's options were. Staff would then make a decision on what option to take.

Cr Biddle said that was the difference between Council staff and Council.

Cr Amundsen said that Council be kept informed of what the outcome was and the Committee agreed that it was critical that Council was kept informed after today.

Cr Soper said that the point Cr Biddle was making was that it was critical to keep the residents informed as to when they would be contacted with the outcome of the report and a possible solution.

Cr Ludlow asked if the Director would be in a position to update Council at the full Council Meeting. Mrs Gare said she was on leave but she would have a written report on this matter.

Cr Amundsen thanked Ms Carlaw for taking the time to present to the Committee.

3. **MONITORING OF SERVICE PERFORMANCE**

3.1 **Levels of Service**

The report had been circulated.

3.1.1 ***Alcohol Licensing***

3.1.2 ***Animal Control***

3.1.3 ***Building***

3.1.4 ***Compliance***

3.1.5 ***Total Mobility***

3.1.6 ***Environmental Health Section***

3.1.7 ***Resource Management***

3.1.8 ***Valuations***

Moved Cr Ludlow, seconded Cr Crackett and **RESOLVED** that the report be received.

4. **MONITORING OF FINANCIAL PERFORMANCE**

The report had been circulated.

4.1 **Directorate Overview**

4.1.1 ***Environmental Planning Services***

4.1.2 ***Planning Services***

4.1.3 ***Administration***

4.1.4 ***Digitisation Project***

4.1.5 ***CBD and Special Projects***

4.1.6 ***Valuations***

4.1.7 ***Building Services***

4.1.8 ***Alcohol Licensing***

4.1.9 ***Animal Services***

4.1.10 ***Environmental Health***

4.1.11 ***Compliance***

4.1.12 ***Resource Management***

Cr Amundsen informed the meeting that Pages 14, 15 and 16 of this report were budgets that were not usually included in the Financial Report and that was the reason that there were no commentary on those budgets.

Moved Cr K Arnold, seconded Cr Biddle that the report be received.

Cr Crackett asked about the progress of the digitisation project and Mrs Gare said Council was currently at just over 7% of property files been digitised.

In response to a question by Cr Amundsen, that the Animal Services budget said that there were approximately 500 dog owners yet to pay their registration fee and she wondered what was happening with that, Mr Youngson said that enforcement was on hold following the other issues that were raised. The enforcement of people who had not paid had started this week. That was usually letters being sent to dog owners letting them know and if they did not do anything about it, an Officer would visit them and then it was unfortunately impoundment of their dog. That was the last resort.

In response to a question Cr Biddle, as to whether staff were confident to go back out into the community after what had been in the media, Mr Youngson said that morale was better but staff were still nervous about going out in the community. Council staff were still getting threats about their safety.

In response to a question by Cr Biddle, as to whether strategies were in place for these threats, Mr Youngson confirmed that strategies were in place but staff were still nervous about it and that was why it had been delayed to let the dust settle. He said that staff could be moving back into harm again with this.

Cr Ludlow said that while he accepted people's right to be passionate, he had zero tolerance for people who issued personal threats to staff. He asked if Council was taking any action about this because it was irresponsible, Mrs Gare said that a complaint had been lodged with the Police.

The motion, now being put, was **RESOLVED** in the **affirmative**.

5. **OTHER BUSINESS**

5.1 **Report of the Director of Environmental and Planning Services**

5.1.1 **Consultation Document – Priority Buildings**

The report had been circulated and Mr Tonkin took the meeting through it.

Moved Cr K Arnold, seconded Cr Soper and **RESOLVED** that the report be received;

AND THAT

It be **RECOMMENDED** to Council that the Consultation Document is adopted for public consultation;

AND THAT

Public consultation be undertaken from 8 November to 8 December 2017 in accordance with Section 133AF(2) and (b) of the Building Act 2004 and Section 83 of the Local Government Act 2002.

5.1.2 **Activity Management Plan**

The report had been circulated and Mrs Gare took the meeting through a PowerPoint Presentation.

Moved Cr Amundsen, seconded Cr Biddle and **RESOLVED** that it be **RECOMMENDED** to Council that the draft Regulatory Services Plan be adopted

5.1.3 **Invercargill City General Revaluation**

Moved Cr K Arnold, seconded Cr Soper and **RESOLVED** that the report be received.

5.1.4 **Skin and Tattooing Bylaw Proposal**

The report had been circulated.

Moved Cr Soper, seconded Cr Biddle and **RESOLVED** that the report be received;

AND THAT

It be **RECOMMENDED** to Council that Council staff work alongside affected industries to develop a draft bylaw.

6. **URGENT BUSINESS**

Moved Cr K Arnold, seconded Cr Amundsen and **RESOLVED** that the matter with regard to the Obligations of Council and Building Owners in the Opening of a New Commercial Building, be taken in Public Excluded Session under Urgent Business.

6. **PUBLIC EXCLUDED SESSION**

Moved Cr Amundsen, seconded Cr K Arnold and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

Report of the Director of Environmental and Planning Services

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject matter of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Obligations of Council and Building Owners in the Opening of a New Commercial Building	Maintain legal professional privilege	Section 7(2)(g)

**MINUTES OF A MEETING OF THE INFRASTRUCTURE AND SERVICES COMMITTEE
HELD IN THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION
BUILDING, 101 ESK STREET, INVERCARGILL ON MONDAY 30 OCTOBER 2017
AT 4.00 PM**

PRESENT: Cr L S Thomas – Chairperson
Cr I R Pottinger – Deputy Chairperson
Cr K F Arnold
Cr A H Crackett

IN ATTENDANCE: Cr L F Soper
Cr R R Amundsen (from 4.43 pm)
Cr T M Biddle (from 4.43 pm)
Mr C A McIntosh – Director of Works and Services
Mr R Pearson – Roading Manager
Mr R Pagan – Parks Manager
Mr P Horner – Building Assets Manager
Mr M Loan – Drainage Manager
Mr A Murray – Water Manager
Mr R Keen – Manager 3 Waters
Ms M Short - Manager Strategy and Policy
Ms A Smith – Acting Engineering Services Manager
Ms D Peterson - Senior Waste Officer
Ms L McCoy - Building Assets Administration
Miss A Goble – Policy Analyst
Ms C Scobie - Parks Assets Planner
Ms L Kuresa – Governance Officer

1. **APOLOGIES**

His Worship the Mayor Mr T R Shadbolt, Cr I L Esler and Cr A J Arnold.

Moved Cr K Arnold, seconded Cr Pottinger and **RESOLVED** that the apologies be accepted.

2. **PUBLIC FORUM**

Nil.

3. **MONITORING OF SERVICE PERFORMANCE**

3.1 **Levels of Service**

3.1.1 **Parks and Reserves**

3.1.2 **Public Toilets**

3.1.3 **Roading**

3.1.4 **Sewerage**

3.1.5 **Solid Waste Management**

3.1.6 **Stormwater**

3.1.7 **Water Supply Activity**

Moved Cr K Arnold, seconded Cr Thomas and **RESOLVED** that the report be received.

4. **MONITORING OF FINANCIAL PERFORMANCE**

4.1 **Finances**

4.2 **Services**

4.3 **Toilets**

4.4 **Engineering Services**

4.5 **3 Waters**

4.6 **Drainage**

4.7 **Parks Operation**

4.8 **Property**

4.9 **Roading Services**

4.10 **Water**

4.11 **Parks Assets**

4.12 **Solid Waste**

4.13 **WasteNet**

In response to a question by Cr Thomas, as to whether damage to the Troopers Memorial was contractor fault, Mr Horner said it was due to deterioration overtime and a cost assessment would be undertaken for the damage.

Moved Cr Pottinger, seconded Cr Crackett and **RESOLVED** that the report be received.

5. **DEVELOPMENT OF POLICIES/BYLAWS**

5.1 **Report of the Director of Works and Services**

The reports had been circulated and Managers took the meeting through a PowerPoint Presentation on each Activity Management Plan.

5.1.1 *Building Assets*

Report was taken as read.

5.1.1 **Activity Management Plans**

Parks and Cemeteries

In response to questions, the following answers were given:

1. What we have identified in the past is areas such as Sandy Point, which is an environmental reserve with sports fields, a playground and some really good walking tracks and it does not need the grass mowed to the same standard as Queens Park. It might seem like at times we have forgotten to mow it but we have lifted the mowing height and the idea is to mow it evenly and have it looking good and it doesn't matter how high it is because it still looks good. As you drive through the area you only see around 50%. Very few people go into it but when you go into a playground or a picnic area we take it onto that level which is useful. In the past every mower had to be at that lowest level and then we carry it on through a drought in the summer in different areas. Sandy Point is a sandy area and we need to raise the mower so it future- proofs it.
2. The club has a lease and there are general conditions in the lease that they have to abide by. Fortunately with the Golf Course there are not a lot of assets. It's not as if there are major buildings and structures to remove.
3. There are options for the lessee and the lessor to opt out of the lease.
4. Council had achieved what it wanted to with the Queens Park drainage. We have not achieved the next step. Like everything we would like it to be better but there are various issues with the northern boundary as it always has been, along the treeline along St Andrew Street. They recently had warrant of fitness done by Cricket New Zealand who have voiced some concern about that particular area but it is 100% better than it was before and we are now going for 200%.
5. What we do with technology is industry-led that and we might have to follow to some degree but it's probably something that we have to make provisions for but it's probably not a huge financial thing. It's probably like last year where we had WIFI in the playground and that makes it more accessible to people using their devices in that area in the future. We don't have to do that each year but that will service several different platforms.
6. From the club's point of view, they are very tolerant of the felling, they knew that was going to happen and it's an opportunity to redevelop and change things. There is the ability to extend that and as we've carried out our felling operation, the reinstatement has been taken care of. A lot of the volunteer work and all the club's costs they had in the early days is now going to be disrupted and re-laid. They will now get assistance in the future. They are a volunteer group and a young group they have done everything themselves, even on Bluff Hill. They have received grants to help with the work but they have physically done all the work themselves. That may wear out in time but you have to be careful because we had offered them assistance but we don't want to take over because they don't want to seem to be run by Council, they want to be run by the Club. There needs to be more assistance there in the future to encourage them to expand.

Roading

In response to questions, the following answers were given:

1. Since 2000s we have now gone from one star vehicles to five star vehicles and some of the shift we've seen in safety it means the motor vehicles now being a lot safer.

2. For the last two years we've had a positive trend downwards, which means that we are building roads that are probably safer. We have safer vehicles, more education and a lot of the initiatives around drink driving from 2000 when Safer Journeys was a national campaign, which is driven by NZTA, is about saying that we don't necessarily want to blame the driver but it's about shared responsibility. There is a whole lot of those initiatives that are working but it leads me to the statement, what number do we accept as fatalities on the roads? That's the challenge we want to offer to everyone, what number do you want to choose.
3. The underlying philosophy says that if you make a mistake, it shouldn't cost you your life. We have vulnerable bodies.
4. The contracting market is a challenge for all the infrastructural assets. It's about understanding how we package work, how we engage them and the fundamental for all contractors is that they want to make a profit and they do a job efficiently. It's Council responding to those different markets trends in making sure we can package work that's reachable for some of them but it is a more challenging market and as some of the bigger jobs happen elsewhere in the country, the resources get depleted. It's a challenge that we all face.

Note: Cr Amundsen and Cr Biddle joined the meeting at 4.43 pm.

Sewerage

In response to a question, the following answer was given:

1. At this stage we don't know what the standards will be and we don't want to be spending money unnecessarily. If the work does not achieve the desired eventual outcome.

Solid Waste

In response to questions, the following answers were given:

1. I have a lot of research nationally and internationally of how they have carried out attitude and behaviour change surveys. I did one two years ago as part of our Education and Behaviour Change Strategy to get an idea as to whether I will get good data, so I do have some background around that and we are looking at going to some consultants and talking with Ms Short's team as well as ensuring that we get good data from it.

Stormwater

In response to a question, the following answer was given:

1. Pipes are inspected but if you think of a building lasting 100 years, you don't replace it before then. The Asset Management Plan formalises it but thirty years ago you may not have seen the need replace the pipes but that's something that's become more obvious as we have written our plans.

Water Supply

In response to questions, the following answer was given:

1. We will find out when Audit engages with reviewing the Asset Management Plans. In nutshell it comes down to the fact that we have a manual that is recognised as best industry practise, which will give us expected lives for our pipes that I believe is unduly conservative. I believe we can push pipes out further but I'm only suggesting we do that for the non-critical lives and not the critical lives. I am also signalling to the Committee that I may not commit to spending the funds you give me each year, but I want the Committee to commit to putting the residue away in a reserve that can be called upon when needed.
2. The asbestos pipes degrade from inside and outside. Outside degrading tends to be water table. If we have a main that's been buried or installed below the water table, the main cased asbestos cement deteriorates more quickly than that in dry conditions.

Cr Thomas thanked the staff for the overview on the Asset Management Plans.

Cr K Arnold said that the last time Council did its Asset Management Plans in 2014, Council was criticised by Audit because there was a Strategy and an Asset Management Plan that was not linked. She asked what had been done this time because it seemed that this time they were referred to the "other", so obviously they were driving everything. She also asked if it had been a good process.

Mr McIntosh said the Finance and Infrastructure Team and the Long Term Plan Working Group worked hard on how to tackle some of the issues. That was the purpose of all the workshops, how can Council manage the risk? He said that Mr Murray's water pipes could not all be completed but even if the money was set aside, the contracting community could not do them all, so it was about doing the critical work first and taking a chance on the other work. Even with that extended period, they were aware they did not have long because they were getting very close to the end the asset life. The Financial Strategy worked in with Infrastructure on how they could afford to do work but not dramatically increase rates.

Moved Cr Thomas, seconded Cr K Arnold and **RESOLVED** that it be **RECOMMENDED** to Council that the draft Activity Plans be adopted.

5.2 **Report of the Director of Finance and Corporate Services**

The report had been circulated and Miss Goble took the meeting through it.

5.2.1 **Trade Waste Bylaw Review**

Moved Cr K Arnold, seconded Cr Pottinger and **RESOLVED** that it be **RECOMMENDED** to Council that Council determines that the Invercargill City Council Bylaw 2007/1 – Trade Waste has completed its review under the Local Government Act 2002 and it will be updated as such with appropriate changes reflected as per Appendix Three.

Cr Thomas thanked Miss Goble for all her work on this Bylaw.

6. **OTHER BUSINESS**

6.1 **Report of the Director of Works and Services**

6.1.1 **Anderson House**

The report had been circulated.

Cr Pottinger said one thing that came out of Mr Pearson's focus on safety was that when he was driving into Anderson House a few months ago that it was quite a narrow road and it was hard to see what was coming the other way. If Council wanted to make this a popular place, there was a need to look into that. He also wondered pedestrian had access to the premises. He said he did not feel safe driving into the premises, especially at night. He asked if two cars were able to pass each other in that driveway.

Mr Pagan said it was Parks access road and two cars can pass but there was a need to drive very carefully but there was a need to consider the speed restrictions on that road. It was more difficult at night due to the fact that the road was originally built with a rock and timber across because it was a very low land bush area. It had a nice hard road on there now and it was investigated a few years as to whether it should be sealed or not. The whole thing did appear to be a hard crust and if it was widened there would be major reconstruction to do.

Cr Pottinger wondered if the kitchen could be moved and Mr Pagan said that the building was Category 1 House, so you would need to get consent and it would require the Heritage New Zealand approval for any work to be done to the building. The kitchen as proposed in the document, either the former kitchen or the main kitchen would be in the existing structure and that structure would not be knocked around.

Moved Cr K Arnold, seconded Cr Crackett and **RESOLVED** that it be **RECOMMENDED** to Council that the report "Anderson House: Feasibility Study for a Multi-Use Solution for Anderson House and Park" be received and included in the considerations for the 2018-2028 Long Term Plan development.

6.1.2 **Parks Summer Events**

The report had been circulated and Mr Pagan took the meeting through it.

Moved Cr Pottinger, seconded Cr Crackett and **RESOLVED** that the report be received.

7. **URGENT BUSINESS**

Nil.

8. **PUBLIC EXCLUDED SESSION**

Moved Cr Thomas, seconded Cr Pottinger and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

(a) Report of the Director of Works and Services

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Waste Contracts Right of Renewal Process	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
Elles Road Roundabout and Lake Street Access	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
LED Lighting Purchase	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
Contract 631 – Water and Drainage Network – Electrical and Mechanical Maintenance	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
Contract 800 – Tay Street Drainage Upgrade 2017/2018	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

Contract Racecourse Watermain 2017-2018	820 – Road Renewal	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
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MINUTES OF THE MEETING OF THE FINANCE AND POLICY COMMITTEE HELD IN THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING, 101 ESK STREET, INVERCARGILL, ON TUESDAY 31 OCTOBER 2017 AT 3.00 PM

PRESENT: Cr D J Ludlow – Chair
Cr G D Lewis – Deputy Chair
Cr R L Abbott
Cr R R Amundsen
Cr I R Pottinger
Cr L S Thomas

IN ATTENDANCE: Cr L F Soper
Cr I L Esler
Cr A H Crackett
Cr K F Arnold (from 3.50 pm)
Mr R W King – Chief Executive
Mr D J Johnston – Director of Finance and Corporate Services
Mr C A McIntosh – Director of Works and Services
Mr D Booth – Manager Financial Services
Mrs E Harris Mitchell – Manager Communications and Secretarial Services
Ms M Napper – Manager Community Development
Ms M Short - Manager Strategy and Policy
Mr P Horner – Manager Building Assets and Museum
Miss A Goble – Policy Analyst
Ms L Kuresa – Governance Officer

1. **APOLOGY**

His Worship the Mayor Mr T R Shadbolt.

Moved Cr Abbott, seconded Cr Thomas and **RESOLVED** that the apology be accepted.

2. **PUBLIC FORUM**

2.1 **Submissions to the Smokefree Areas Policy**

2.1.1 **Ray Willett**

In addition to his written submission, the submitter said that it would be great to be the first city in New Zealand to say that people do not smoke in a car with our children.

In response to questions, the following answers were given:

1. As Officer I would say, “excuse me madam, don’t throw your rubbish out, there’s a rubbish bin over there”. I never once had to say, “here’s my authority and if I was in Invercargill and I was appointed the “No Smoking in Car Officer”, I say, “excuse me sir, I don’t know if you’re aware but what you’re doing..” That emphasised that those parents know the danger but it’s a terrible addiction. We must bear this in mind all the time that most smokers want to stop smoking but they can’t.

2. I remember back to Helen Clark when she put in the law of no more smoking in pubs and restaurants and there are so many places that people can't smoke knowing the toxic filth of it that we confine little children in a closed car. It's time that as a nation we stand up to.
3. I didn't put a submission in at the time when they were looking at stopping smoking on planes. I was coming down to the Milford Track from the Chateau Elves where I spent the winter season, I get on a flight and light my pipe next to a dear old grandmother sitting next to me. I want to apologise for that now. Smoking a pipe in a confined place and there was time where you could smoke at one end of the plane but not at the other and of course that smoke drifted around the plane.

Cr Ludlow thanked the submitter for taking the time to present to the Committee.

2.1.2 **Healthy Families**

In addition to their written submission, the submitters said that adoption of the smokefree CBD Policy would be a great leadership example of creating healthy environment for our community.

In response to questions, the following answers were given:

1. The first stage is having a community voice by having innovative surveys, videos, social media and talking about people standing up and taking that leadership.
2. We are working with the schools and at the moment we are working around Smoking in Places and Spaces. We have also talked about smokefree school gates and most schools have come back and said they don't have problems at the schools gates but it was about working around Smoking in Places and Places and Spaces that need our support.
3. Those children are likely to be at the ILT Stadium Southland and they have made their premises smokefree. The pool is smokefree, so we are working through innovative ways to support that. It's about stopping generation from starting. We also know that the playgrounds are smokefree, so it's about building on that as a community.
4. My question is, do children know the difference between smoking and vaping and it's about stopping the next generation from starting.
5. The percentage of New Zealanders smoking is 14.2% and the two thirds of New Zealanders were obese. Obesity is becoming the biggest cause of health loss in New Zealand. It's overtaking smoking as a whole but they are both very complex matters.

Cr Ludlow thanked the submitters for taking the time to present to the Committee.

2.1.3 **Smokefree Murihiku**

In addition to their written submission, the submitters tabled a paper on the Draft Smokefree Areas Policy and spoke to it.

In response to questions, the following answers were given:

1. We acknowledge that e-cigarettes are a useful tool and as recently as last week we received good information and good research to show that they are being used as a quit aid. The Stop Smoking Services is encouraged to promote vaping and the use of e-cigarettes for nicotine replacement but the behaviour mimics smoking.

We can't say that that you can't smoke e-cigarettes but they still need to abide by the Smokefree Policy, so they too go to places where there are designated smoking areas.

2. The Ministry of Health put out the latest report about e-cigarettes last week stating that what we know up to now is that they are a useful quitting tool but there is harm and how much or what type of harm is yet to be researched.
3. We don't want people who don't smoke to start using them. The Ministry of Health has recommended that people who don't smoke should not use them. It's a case of, let's have them included now and if we find research that looks like it's safer than we think, then potentially they could be included later.
4. Mental Health consumers that same as other citizens. It's not going to reduce stress by smoking. The country is at 14.2% smokefree and to be on target we need to be at 10% by 2018. There are a lot more measures that need to come in and this Policy will create a big step towards that.
5. The top ten occupations that have the highest smoking relevance dominates Southland, so we're talking Dairy Farms, factory worker, shearing, so it is harder for us. We have an industry that's inherited this behaviour.
6. Statistics show that 47% of Maori women smoke.
7. Out of 100 people only 15 of them smoke. I wasn't around in 2001 when the smokefree environments included bars and restaurants but I remember hearing the outrage about it. It hasn't affected businesses at all but it's just a small minority and people overestimate the amount of people who do smoke. Out of those 15 people who do smoke, 83% of those people wish they had never started and agree with smokefree measures.
8. There are a lot of people who don't understand e-cigarettes. It's a complicated topic because it's not one device but we are hoping people review it as a transition device. Ideally I would like people to stop using the e-cigarettes and just be smokefree altogether because I am concerned about the potential risks through long term use.
9. Some of the bars already have smoking areas in their premises and they will not be affected by the proposed Policy. Some of the premises that only have people smoking directly outside their doors, would be affected when it rolls over to their area but that will be a gradual process.

Cr Ludlow thanked the submitters for taking the time to present to the Committee.

Note: Cr K Arnold joined the meeting at 3.50 pm.

2.1.4 **Cancer Society**

In addition to their written submission, the submitters tabled a paper on the Draft Smokefree Areas Policy.

In response to questions, the following answers were given:

1. I don't have costs for putting those smoking cubicles but I think it's been variable depending on where they have been. Some have been spaces with nothing else around and others have been complicated structures with everything in between.
2. I can see how it can appear contradictory. It's towards a step in the process of becoming totally smokefree. I would recommend that if there areas assigned, they would be regularly reviewed and made smaller or fewer and time goes on. The fact is that it is currently still legal activity and while it is a very small percentage of our population who smoke, some of these people will be working within the businesses within the area.

3. One of my key points is that because it's not a bylaw, you are relying on people knowing that it's a smokefree area and saying to people who do smoke that it's a smokefree area but there is a designated area for smoking. It makes less scary to tell people and an easier step to get the community to support it.
4. Ideally I would be happy with not having designated smoking areas but I would like Council to consider a couple of designated smoking areas.

Cr Ludlow thanked the submitters for taking the time to present to the Committee.

2.1.5 **Invercargill Youth Council**

The submitters took the meeting through their submission.

In response to questions, the following answers were given:

1. From the start we believed that e-cigarettes are not beneficial because in terms of use they have the same impact. A 5 year old cannot tell the difference between a cigarette and an e-cigarette, so it still leaves that impression on them, which is not the impression we want to leave.
2. To go with the designated smoking area can get technical, so it needs to be completely smokefree CBD that can be enforced or not. It will be good to be one of the front runners to have a smokefree CBD.
3. What you see is what you get so not being able to see people smoking takes away the normalisation of smoking.
4. I can't speak for the rest of the Youth Council but I am very keen on the sustainable development goals and the reduction of plastic bags in Invercargill for next year.
5. I don't believe we've had any organisations coming in to deliberately speak to us about the effects of smoking.
6. I don't think peer pressure affects one age group, and it will always be there. It's very clear that smoking is 100% a no go and in this day and age our peers will back us up because it's part of the Hargest College values. We have also been brought up and seen on TV advertisements that smoking is a terrible habit and effects of it, so young people are more aware this now.
7. The normalisation of smoking had definitely decreased, especially our age group just like drink driving has. Drink driving among our peers is unheard of nowadays, which is very positive. I think that smoking is taking a similar road.
8. It's sad but for people to realise that the repercussions of losing someone to smoking or drink driving is the wakeup call that some people need. They had been told over and over again but it doesn't affect you until it happens to you or your loved one.

Cr Ludlow thanked the submitters for taking the time to present to the Committee.

2.1.6 **Southern District Health Board**

In addition to the written submission, the submitter tabled a paper on the Draft Smokefree Areas Policy and spoke to it.

In response to a question, the following answer was given:

1. It actually throws up several points. One is what areas do you make smokefree areas in the CBD because a number of areas would need to be with the agreement of the landowner in Council property. Most people tend to say it's a good idea but not outside my business and it does blur the message around this smokefree space. If the CBD area was to be smaller area than what is designated, it would be very difficult for the non-smoker to say, this is a smokefree area but if you go three blocks in that direction, you will be able to smoke.

Cr Ludlow thanked the submitter for taking the time to present to the Committee.

3. **DEVELOPMENT OF POLICIES/BYLAWS**

3.1 **Report of the Director of Finance and Corporate Services**

3.1.1 **Smokefree Areas Policy**

The report had been circulated.

Cr Ludlow said that there had been some feedback provided by staff based on the submissions as they were but having heard the submission by Mr Willett, he asked if there was any appetite for Council to look at trying to move the policy out into the smoking in cars.

Cr Thomas said that it was a Government issue like the Easter Trading Laws that was given back to councils, so councils would all have different policies. It was also a national issue that through the new Member of Parliament but there was a need for Council to concentrate on the smokefree designation.

Cr Esler agreed that it was a national issue and the change of Government presented a new opportunity for this and other issues to be raised again with perhaps more chance of success than previously.

Cr Soper said it was a legislation issue that was similar to the cell-phone in cars issue. Lobbying needed to be at Government level and not at Governance level.

Cr Ludlow said that it had been interesting with the Invercargill branding being raised in a number of submissions, making sure that Council dreamed big when looking at this Policy and comply with Council's Family Friendly philosophy. The other issue that was raised was having a designated smoking area. Feedback from staff had been that to designate areas within the CBD as smoking areas would be difficult. The suggestion was that the area being designated as smokefree be reduced to the Tay/Spay/Deveron and Dee Street areas and included Wachner Place. He asked if that was a measure that the Committee was comfortable with.

Cr Soper said that the staff had recommended a 12 month review and she was comfortable with that. It would bind the designated areas had become something that Council wanted to look at then that was the very sensible way to approach it. She was comfortable with the recommendation as it was.

Cr Pottinger said that before Council finalised this matter, he was worried that not many of the affected parties as far bars and cafes had any input in this matter. Even though the consultation was for a month, it was a matter of them coming to Council but those people could be singled out as affected parties and proactively get their feedback on this matter. It was critical because when you looked at the Tuatara or the Speights Ale House, they were a stand out examples because they did not have any other areas to go into. It was worthwhile to get some feedback because he was not sure that those establishments were aware that his consultation process was taking place.

Miss Goble said that the consultation was done online, in the newspaper, through social media and through Council's email list as well City Centre Coordinator contacting people.

Cr Pottinger said that he had spoken to Mr Nicol and Ramsay today from the ILT and they were not aware of it. They were busy people but they still needed to be aware of this happening but somehow they had missed it. This was where these people who were setting the trend in their bars and going with Council's CBD revamp, maybe they would come on board and wanted to create a different style of bar in the centre of town and a different style that suited the smokers outside. It would be great to have their input rather than pushing the button on a policy that they had not commented on.

Cr Ludlow said that for what it was worth, he was aware that most of bars had smoking areas and would not be affected.

Cr Thomas said he was against designated smoking areas because of the budget. Council was in a bind around its budget and building designated smoking areas Council was stretched as it was. He asked if there was a budget to implement this?

Cr Ludlow confirmed that there was no budget.

Cr Thomas said that those were the considerations that needed to be looked at and Council needed some numbers around this. In Council workshops, this had been considered and everyone needed to know that this was not going to be a gold plated structure, it would need to be very basic to start off with.

Cr Pottinger said there was no balanced view from the stakeholders.

Cr Ludlow responded that he understood that but the consultation was not done in secret.

Cr Soper said that if Council was going to delay every policy because somebody had not had a chance after a month to speak to it, and it was a very public consultation process, then why would Council even try to create policies. Council could not delay the process after a reasonably long public consultation and they say that someone else needed to have a longer chance to have their say. If Council did that this time, then it needed to do it every time a public consultation was carried out. Council had a very sensible 12 month review and Council would know in 12 months ?

In response to a question by Cr Ludlow, as to whether this recommendation would go to Council to be confirmed, Ms Short said that because the Policy with the changes not included in the Agenda, she preferred that the changes be adopted by this Committee and then go to full Council for ratification.

Cr K Arnold said that the ILT had been around a long time and she would expect that it was part of someone's job to go to public notices every week and check them. If the ILT stance was that it wanted to contribute but it did not feel as though it had the opportunity to do so was more of a reflection on their process and not Council's

Cr Abbott said that as a smoker he endorsed the draft Policy but he wanted to make the point that the e-cigarette and the vaping machine were two different mechanisms. There was no way that any child would identify the vaping machine that he had seen as smoking a cigarette.

Cr Amundsen said that like Cr Abbott she wanted to endorse the draft Policy but Cr Pottinger raised a very good point about engagement. It was possibly reinforced the idea that Council had limited capacity at times because it was a busy time with the Long Term Plan and there was a small team to go through the process and in an ideal world, if Council had all the resources and capacity to do good engagement, identifying stakeholders that the Policy would impact significantly would be part of that process. She hoped that this could be addressed in the new year with the development of an engagement strategy and another staff member.

Moved Cr Soper, seconded Cr Abbott that the report be received;

AND THAT

It be **RECOMMENDED** to Council that the submissions be received and considered by the Finance and Policy Committee;

AND THAT

The Draft Policy including amendments arising from submissions be adopted.

In response to a question by Cr Crackett, as to how the City Centre Coordinator engaged with the stakeholders affected by this Policy, Ms Short said that she would need to check with Ms Graber but she was of the understanding that she emailed the email contact group and also went in and talked to people about this Policy. Any café or restaurant that was in the middle of town would have received the consultation document but she was not sure why it was not passed on to the ILT Board but she felt that Council met all the affected parties in the CBD area.

The motion, now being put, was **RESOLVED** in the **affirmative**.

Note: Cr Pottinger voted against the motion.

4. **MONITORING OF SERVICE PERFORMANCE**

4.1 **Levels of Service 1 July 2017 to 31 August 2017**

Moved Cr Ludlow, seconded Cr Thomas and **RESOLVED** that the report be received.

5. **REPORT OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

5.1 **Financials to 1 August 2017**

Moved Cr Thomas, seconded Cr Ludlow and **RESOLVED** that the report be received.

6. **OTHER BUSINESS**

6.1 **Report of the Director of Works and Services**

6.1.1 **Southland Museum and Art Gallery – Maintenance Expenditure**

The report had been circulated.

In response to a question by Cr Thomas, as to whether this contract went out to tender, Mr Horner said that they had gone through a process of inviting prices from people who had application of material to do the job. It was the same as painting a roof because of all the gaps between the panels on the roof. It needs special attention to put some sort of bandage material across the joints and paint over top of that. It could be left unpainted but it would look like a spider's web with the webbing on all of the joints. They had looked for specialist applicators and received four approaches and this was the best option.

Cr Amundsen said that Cr Biddle had mentioned that there was more money in the reserve than \$215,000 and that the foyer upgrade could be covered by the other part of the reserve. It was her understanding that had been discussed at the Board level and she was keen to see that included in the recommendation.

Mr Horner said that there had been some discussion about how to present this information and he felt it was best to deal with this one issue first. The issue of the foyer could be reduced to only being maintenance work, but by changing the foyer there could be some concern about whether it was capital work. There was also the question of whether the Building Assets Team could work on it because of the contract that Council had with SMAG, so it needed to be a SMAG issue to request the funds. There were one or two points about how to present that and he thought it was best to bring this one forward first.

Cr Pottinger said he thought that the foyer had been included in the Long Term Plan and it was a priority to get it completed. Mr Horner said it was in the Long Term Plan but this was just a detail issue about the how the funding was provided for it.

In response to a question by Cr Pottinger, as to whether a report could be brought back to full Council next week on the matter of the foyer, Mr Horner said that issue was that a report would be brought to Council without going through a process of getting tenders and prices because the design work had not been completed. It would be a matter of asking for the remainder of the reserve fund to be handed over to SMAG to fund the work and if Council wished to that, he was happy to provide a report to do so.

Moved Cr Thomas, seconded Cr Lewis that it be **RECOMMENDED** to Council that Council approves the release of \$215,000 from Reserve Fund No 120 for maintenance work on the Southland Museum and Art Gallery building.

Mr Horner said that with regard to the remainder of the reserve fund, was a report still required to be brought to next week's Council meeting that the fund be provided to SMAG.

Cr Ludlow said that Council supported it but it still needed to see the other plans before handing the funds over to SMAG.

The motion, now being put, was **RESOLVED** in the affirmative.

6.2 **Report of the Director of Finance and Corporate Services**

6.2.1 **Imagine Invercargill – Update**

Moved Cr Amundsen, seconded Cr Abbott and **RESOLVED** that the report be received.

6.2.2 **Significance and Engagement Policy**

Moved Cr Pottinger, seconded Cr Amundsen and **RESOLVED** that it be **RECOMMENDED** to Council that the Significance and Engagement Policy review be postponed to align with the development of an Engagement Strategy in 2018 and that this be highlighted in the Long Term Plan.

6.2.3 **Activity Management Plans**

The report had been circulated and Ms Short and Mr Booth took the meeting through a PowerPoint Presentation on the Activity Management Plans.

Moved Cr Ludlow, seconded Cr Lewis and **RESOLVED** that it be **RECOMMENDED** to Council that the draft Activity Plans be adopted.

7. **REPORT BY COUNCILLOR DARREN LUDLOW**

7.1 **Operational Expenditure Review**

The report had been circulated and Cr Ludlow took the meeting through it.

In response to a question by Cr K Arnold, as to whether had thought about introducing the Lean Management Process that Venture Southland came up with, Mr McIntosh said that running in Parks Operations and pools at the moment so it was being introduced where it could be.

Cr Pottinger said this was a good place to start. The Chair had outlined that this was a common cost across all the departments.

Moved Cr Ludlow, seconded Cr Amundsen and **RESOLVED** that it be **RECOMMENDED** to Council that the Finance and Policy Committee work alongside the Finance Department to undertake a review of the operational expenditure in each Council department.

8. **URGENT BUSINESS**

Nil.

9. **COUNCIL IN PUBLIC EXCLUDED SESSION**

Moved Cr Ludlow, seconded Cr Thomas and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

- (a) *Report of the Director of Works and Services*
- (b) *Report of the Director of Finance and Corporate Services*
- (c) *Report of the Chief Executive*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
(a) Living Dinosaurs	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(I)
(b) Consultation Document for Elected Member Remuneration	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(I)
(c) 66 Dee Street	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(I)

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Invercargill City Holdings Limited Director Appointments	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(l)

URBAN REJUVENATION GOVERNANCE SUBCOMMITTEE

Minutes from meeting held on Wednesday, 5 October 2017 at 3.00 pm in the Councillors Meeting Room, First Floor, Civic Administration Building

PRESENT: Cr K Arnold (Chair)
Cr R Amundsen

IN ATTENDANCE: P M Gare

1. Consideration of Accountability Report and Grant request by South Alive
K Arnold/R Amundsen and agreed that before the Committee considers any new funding application from South Alive it must provide a completed accountability report that provides a breakdown of how all the funding for the 2016/17 year was spent, to the dollar - project by project. That includes the recipients and provision of invoices.

Its application for new funding will only be considered for 2017/2018 and must include a copy of the Trust Deed, its most recent audited financial report, bank statements from all its accounts - including investments - and minutes from its most recent AGM, all of which is requested in the application form.

The funding application must also break down each project and give an itemised budget, including other revenue streams and any relevant quotes.

For the Committee to consider an application for rent, it requires information about how The Pantry is performing in relation to the business plan presented to Council previously.

All this information is required to be submitted no later than 31 October 31 2017.
2. Consideration of Grant request by Windsor Business Group
K Arnold/R Amundsen and agreed that the grant request of \$15,000 be made, subject to receiving a quote for the full project valued at \$34,070.
3. Consideration of Accountability Report by Bluff 2024
K Arnold/R Amundsen and agreed that the Bluff 2024 Accountability Report be received.
4. Consideration of Accountability Report by Glengarry Community Group
R Amundsen declared a conflict of interest with this item.

K Arnold accepted the receipt of the Glengarry Community Group Accountability Report.

The next meeting will be held on 7 November at 3.00 pm in the Environmental and Planning Services Director's office.

The meeting closed at 11.33 am.

TO: COUNCIL
FROM: DIRECTOR OF FINANCE & CORPORATE PLANNING
MEETING DATE: TUESDAY, 7 NOVEMBER 2017

BYLAW ADOPTION AND HEARINGS

Report Prepared by: Anna Goble, Policy Analyst

SUMMARY

<p>In September, Council agreed to review the following Bylaws, in line with requirements under the Local Government Act:</p>

- | |
|--|
| <ul style="list-style-type: none"> • Bylaw 2008/1 – Environmental Health • Bylaw 2008/6 – Water Supply • Bylaw 2008/3 – Cemeteries and Crematorium • Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga |
|--|

<p>There were 4 submissions received – 2 wishing to be heard for the Environmental Health Bylaw.</p>
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RECOMMENDATIONS

That this report be received.

AND THAT

The submissions are received and considered by Council.

AND THAT

The Bylaws be adopted including any amendments arising from submissions.

IMPLICATIONS

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> Yes.
2.	<i>Is a budget amendment required?</i> No.
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> This would update the existing Bylaws.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> Public consultation has been undertaken.

6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> Yes.
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FINANCIAL IMPLICATIONS

No financial implications arise from this report.

BYLAW 2008/1 – ENVIRONMENTAL HEALTH

Council utilises the Environmental Health Bylaw to regulate certain activities so that public health issues are addressed and that inappropriate behaviour is discouraged. Council has amended this Bylaw to ensure that building owners are responsible for the maintenance and upkeep of their verandahs and balconies that may have a negative impact on the public through harbouring vermin, leaking or overgrown weeds and the like.

Council received 3 submissions on this Bylaw – these are attached as well as the summaries and staff comments at **Appendix One** with the Draft Bylaw attached at **Appendix Two**.

Minimal alterations have been made to the Bylaw but these are highlighted in red at **Appendix Two** and it is recommended it be received as it is.

Submitter	Hearing Time
Chris Henderson	4.10pm
Jared Cappie on behalf of Healthy Families Invercargill	4.20pm

BYLAW 2008/6 – WATER SUPPLY

Council needs to be able to regulate the terms and conditions for the sale and supply of water through its reticulation network. It also needs to be able to impose restrictions on the supply of water and address breaches where these occur. This is done through the Water Supply Bylaw.

There were no submissions received on this Bylaw and it is recommended that the Bylaw be received as it is presented at **Appendix Three**.

BYLAW 2008/3 – CEMETERIES AND CREMATORIUM

The Burial and Cremation Act 1964 anticipates Councils adopting Bylaws to control activities within cemeteries. The direction provided in the Act indicates that a Bylaw is indeed the most appropriate form of regulation open to territorial authorities for the control of cemeteries.

There were no submissions received on this Bylaw and it is recommended that the Bylaw be received as it is presented at **Appendix Four**.

BYLAW 2012/1 – URUPA (MAORI BURIAL SITE) TE HAU MUTUNGA

The primary purpose of the Bylaw is to enable Council to manage, regulate, protect, maintain and preserve the Urupa Te Hau Mutunga Cemetery at 118 Mason Road, Invercargill. Council needs to be able to regulate the operation of its cemeteries and crematorium. The Burial and Cremation Act 1964 expressly provides for a local authority to make Bylaws to control cemeteries.

There was one submission received on this Bylaw and this is summarised at **Appendix Five**.
No one wished to be heard in relation to this Bylaw.

It is recommended that the Bylaw be received as it is presented at **Appendix Six**.

SUBMISSIONS BEING HEARD FOR ENVIRONMENTAL HEALTH BYLAW

	Submitter	Submission Summary	Staff Comments	Submitter to be heard
001	Chris Henderson	<p>Submitter has been concerned for some time at the unsightliness of cocksfoot in the spouting of many heritage buildings in Invercargill.</p> <p>Submitter notes that following the Christchurch earthquakes and speaking to an earthquake engineer from that City that the lack of maintenance of the spouting on many heritage buildings had a devastating effect during the first major quakes. Failing to clean out the spouting resulted in rainwater entering the many wooden frames which the facades were attached to, causing them to rot and leaving them vulnerable when they earthquakes occurred.</p> <p>Submits that the loss of many heritage buildings may have been prevented if spouting cleaning were to be carried out on a regular basis by either the building owner or another entity on the owners' behalf.</p> <p>States it is important verandahs are well-maintained and attractive, as protection from weather, complimenting the building is part of and allowing a certain amount of protection during a seismic event.</p> <p>Submitter states they would like to see Council create a revolving fund to allow owners of heritage buildings to earthquake-proof and adapt for reuse their buildings upfront (including verandahs)</p>	<p>Submission noted.</p> <p>Council has commenced work on the new legislation which requires Council to identify potential earthquake prone buildings. As part of this work, Council will be identifying buildings that are potentially earthquake prone and engaging structural engineers. Cleaning of the spouting is not part of this but should they provide a feature that is important structurally there may be a requirement to be fixed under this legislation.</p> <p>It is an important point as if a spouting or downpipe is blocked the water will find its own way to the lowest point which could be within a building.</p> <p>This Bylaw is to encourage owners to take pride in their buildings and provides a minimum level of maintenance to protect public health.</p> <p>With respect to the water collection this is something that could be done, however is not something that</p>	Yes.

		<p>repaying over time from rentals paid by tenants. States that Wellington City Council has introduced a scheme along these lines. Submitter adds that a rates reduction would be an added incentive.</p> <p>Submitter further states that heritage buildings aside, it would be good if all buildings in the CBD had verandahs that complimented their buildings and provided shade. States the verandahs should be self-supporting, rather than cantilevered, to ensure their strength is not compromised in a weather-related or seismic event shelter for visitors and shoppers.</p> <p>States that another practical option for the rainwater captured by the cleaned spouting would be as a source of water for uses other than human consumption, rather than going into the storm water system.</p>	<p>Council endorses nor would they make mandatory at this stage. There is the potential that the water would not be potable if there is, for instance, asbestos in the pipes or rooves.</p>	
002	Jared Cappie on behalf of <i>Healthy Families Invercargill</i>	<p>Submitter acknowledges the collaboration with the Council Parks and Reserves around suitable locations for mobile food vendors at ILT Stadium Southland carpark and reserve. The preferred option has given the community, and in particular families, the choice not to be confronted with their products, but still allow vendors to operate.</p> <p>Submitter states that ICC has a major role to play in shaping and building the community and this is the chance to hear the community voice through the Bylaw consultation.</p> <p>Submitter states they have been heavily involved in gauging the community voice through co-ordinating the Community Events network (Facility</p>	<p>Submission noted.</p> <p>The submission has merit in requiring stall owners to consult with event organisers to ensure the food being sold does meet with the ethos of the event.</p> <p>However, restricting sellers from being in a public space simply because there is an event on could be in breach of the NZ Bill of Rights Act 1990. The Bylaw should not be used to compel ICC staff to consult with an event organiser as this could take significant time. Rather a better</p>	Yes.

		<p>Managers, Funders and Event Organisers) in partnership with Sport Southland and Venture Southland. Submitter has also collaborated with the ICC Events Committee to ask event organisers to stipulate healthy options when applying for events funding. As well as working to develop a range of activities such as Disc Golf.</p> <p>Submitter states that through this involvement it has become clear to them that the food environment has changed but is still changing.</p> <p>Submitter further states that there is an appetite to have healthier options, and that events organisers are wanting more say in what can be sold in and around their events.</p> <p>Submitter recommends that events organisers should be consulted with when mobile traders are applying for licenses to sell food in the vicinity of their events to ensure what they are selling aligns with the messaging and intent of the event. E.g. A sporting event with deep fried or high sugar food.</p> <p>Submitter notes that this happened during the Polyfest Festival and their work to ensure there was healthy food was potentially derailed by the possibility of vendors selling deep fried or sugary foods in the carpark outside of the ILT Stadium Southland with no communication or contact between food vendor and event provider.</p> <p>Submitter states that as the carpark is Council owned the Polyfest organisers had no control over who could sell food or what could be sold.</p> <p>Submitter summarises that this bylaw should be</p>	<p>way might be to educate stall holders and event organisers about healthy food and Council staff can help facilitate conversations between these groups for better understanding.</p>	
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		amended to ensure event organisers are consulted on this issue and that this would align with Council's Family Friendly goal.		
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SUBMISSIONS NOT BEING HEARD FOR ENVIRONMENTAL HEALTH BYLAW

003	Peter Donaldson	<p>Submitter poses the following questions:</p> <p>a. Clause 5.1 - is it intended that the comma after the word "leaking" on the third line remain? If so, what is a leaking?</p> <p>b. Clause 5.1 - what does derelict mean in this Bylaw? Does a building need to derelict before it becomes a nuisance?</p> <p>c. Clause 5.2(e) - the word "commercial" should be deleted. Surely the Bylaw should relate to all buildings rather than just commercial buildings. In any event, commercial is not defined in the Bylaw.</p> <p>d. Clause 5.5 - the reference to 5.5 should be altered to 5.4.</p>	<p>Submission noted.</p> <p>Council staff agree that the comma should be removed.</p> <p>Council staff have added a definition of derelict into the Bylaw.</p> <p>Council staff have added a definition of commercial into the Bylaw.</p> <p>Council staff have amended the reference.</p>	No.
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Anna Goble

From: David and Chris Henderson <henderson.farm@gmail.com>
Sent: Monday, 23 October 2017 4:16 p.m.
To: Policy
Subject: Submission - Bylaw 2008/1 - Environmental Health

Chris Henderson
59 Walker Road,
Lumsden 9794
Tel/fax 03-248-7605

I was to speak to my submission.

Thank you for the opportunity to write in support of this proposed bylaw as it pertains to spoutings and verandahs. I have been concerned for some time at the unsightliness of cocksfoot in the spoutings of many of our beautiful heritage buildings.

The earthquakes in Christchurch added to my concern when, in discussion with an earthquake engineer from that city, he noted that lack of maintenance of the spoutings of many heritage buildings had a devastating effect during the first major 'quakes.

Neglecting to clean out the spouting resulted in rainwater entering the many wooden frames which the facades were attached to, causing them to rot and leaving them vulnerable when the quakes occurred, with consequent loss of life when the facades collapsed.

I submit that the loss of so many heritage buildings may have been prevented by ensuring the straight-forward task of spouting cleaning was carried out on a regular basis by either the building owner or another entity on the owner's behalf, and which- in Invercargill- could form the basis of a small business.

It is also important to ensure verandahs are well maintained and attractive, as protection from the weather, complimenting the building that it is a part of, and allowing a certain amount of protection during a seismic event- especially if retrofitted with the same sort of mesh H and J Smiths used during the refurbishment of it's premises. Verandahs also look particularly splendid when painted in similar colours to the building.

A number of verandahs boast paneled ceilings which deserve to be restored, along with their heritage buildings, to their original splendour.

I would like this Council to create a revolving fund to allow owners of heritage buildings to earthquake-proof and adapt for reuse their buildings upfront (including verandahs) repaying over time from rentals paid by tenants. I believe Wellington City Council has introduced a scheme along these lines. Rates reduction would be an added incentive.

Invercargill has many world-class heritage buildings which have potential to be tourist attractions, apartments, specialised small and medium businesses, satellites of the Museum and Art gallery, spaces to showcase Southland products, and other creative entities.

Heritage buildings aside, it would be good if all buildings in the CBD had verandahs that complimented their buildings, and provided shade and shelter for visitors and shoppers. The verandahs should be self-supporting, rather than cantilevered, to ensure their strength is not compromised in a weather-related or seismic event. (See Public Library).

Another practical option for the rainwater captured by the cleaned spoutings would be as a source of water for uses other than human consumption, rather than going into the storm water system.

Yours Sincerely,

Chris Henderson

Environmental Health Bylaw

SurveyMonkey

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, September 29, 2017 2:30:46 PM
Last Modified: Friday, September 29, 2017 2:42:14 PM
Time Spent: 00:11:27
IP Address: 131.203.242.102

Page 1: Public Submissions

Q1 Contact Information

Name	Healthy Families Invercargill
Address	PO Box 224
City	Invercargill
Email Address	jared.cappie@sportsouthland.co.nz
Phone Number	(03) 211 2150

Environmental Health Bylaw

SurveyMonkey

Q2 The following is my submission on the ICC Environmental Health Bylaw:

Thankyou for the opportunity to submit on the Invercargill City Council's Environmental Health Bylaw and for all the support the council has given to Healthy Families Invercargill in the past three years, particularly in the collaborative efforts around making healthy changes to council-run events.

Healthy Families Invercargill is focused on helping build a happy, healthy, safe and connected community, and is working in all settings where people live, learn, work and play.

Firstly we would like to acknowledge the collaboration with Parks and Reserves around suitable locations for mobile food vendors at ILT Stadium Southland carpark and reserve. The preferred option has given the community, and in particular families the choice not to be confronted with their products, but still allows the vendors to operate.

The Invercargill City Council has a major role to play in shaping and building our community, and it is through projects such as this bylaw consultation, that you will have a real chance to hear the community voice.

We have already been heavily involved in gauging that community voice, through our involvement with co-coordinating the Community Events network (Facility Managers, Funders and Event Organisers) in partnership with Sport Southland and Venture Southland. We have also collaborated with the Invercargill City Council Events Committee to ask event organisers to stipulate their healthy options when applying for events funding, adopting the Choice As Events Guidelines and Sub-Contractors form on the ICC Website and our connections with council parks and reserves, and community development teams on a range of activities including Disc Golf.

Through this involvement in the events sphere, it has become clear that our food environment has changed, but is still changing.

There is a real appetite in our community for healthier options and events organisers are telling us they want more say in what can be sold in and around their events.

We believe events organisers should be consulted when mobile traders are applying for licences to sell food in the vicinity of their events to ensure what they are selling aligns with the messaging and intent of the event. For instance, an event focused on healthy food options, or physical activity, or promoting a healthy lifestyle may not be aligned with vendors selling deep fried or high sugar foods.

We found this through our collaboration with the Murihiku Maori and Pasifika Cultural Trust during the Polyfest festival. The trust had done some amazing work in making healthy changes to the foods they were providing their volunteers, and also the food festival they had organised for the Saturday of Polyfest week. However, that work was potentially derailed by the possibility of vendors selling deep fried and sugary foods in the carpark right outside the main ILT Stadium Southland doors with no communication or contact between food vendor and event provider.

As this carpark is council owned, the Polyfest organisers had no control over who could sell food and what kind of food could be sold. They were concerned this could undermine the healthy messaging they were trying to promote to our community.

Consultation with event organisers and facility managers would also ensure there are no competitive conflicts with operators who have paid to operate within their venue.

Making changes to this bylaw, which requires event organisers to be consulted on this issue would reduce that, and in turn, help to create sustainable, healthy change in our community.

We also feel that making this change would align well with the council's goal of Invercargill being family friendly.

Thankyou again for the opportunity to submit on this important issue.

Q3 Would you like to be heard before Council?

Yes

Environmental Health Bylaw

SurveyMonkey

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 27, 2017 10:33:48 AM
Last Modified: Friday, October 27, 2017 10:59:19 AM
Time Spent: 00:25:30
IP Address: 125.237.249.105

Page 1: Public Submissions

Q1 Contact Information

Name	Peter Donaldson
Address	78 Balmoral Drive
Suburb	Appleby
City	Invercargill
Email Address	petebobdon@xtra.co.nz
Phone Number	0274 323293

Q2 The following is my submission on the ICC Environmental Health Bylaw:

- Clause 5.1 - is it intended that the comma after the word "leaking" on the third line remain? If so, what is a leaking?
- Clause 5.1 - what does derelict mean in this Bylaw? Does a building need to derelict before it becomes a nuisance?
- Clause 5.2(e) - the word "commercial" should be deleted. Surely the Bylaw should relate to all buildings rather than just commercial buildings. In any event, commercial is not defined in the Bylaw.
- Clause 5.5 - the reference to 5.5 should be altered to 5.4.

Q3 Would you like to be heard before Council? **No**



Invercargill City Council

Bylaw 2008/1 – Environmental Health

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1. GENERAL PROVISIONS

A Bylaw of the Invercargill City Council made in pursuance of the powers contained in the Health Act 1956 and the Local Government Act 2002. The primary purpose of the Bylaw is to enhance the safety and welfare of the public by minimising nuisance and adverse environmental health effects caused to the community, as far as is practicable through legislative means.

1.1 SHORT TITLE AND COMMENCEMENT

This Bylaw shall be known as the Invercargill City Council Bylaw 2008/1 – Environmental Health and shall come into force on 7 November 2017.
This Bylaw replaces any other Environmental Health Bylaws created by Invercargill City Council.

1.2 INTERPRETATION

In this Bylaw, unless the context otherwise requires:

ABANDONED VEHICLE means a vehicle that no longer has a current Warrant of Fitness and/or Registration (pursuant to the Land Transport Act 1998), is no longer being maintained by its owner and has been left on the same land for six calendar months or more.

AFFECTED AREA means all land in the Invercargill City District.

ALCOHOL means a substance –

(a) that:

- (i) is or contains a fermented, distilled or spirituous liquor; and
- (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or

(b) that:

- (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
- (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or

(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under S. 177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by sections 171-174; the Sale of and Supply of Alcohol Act 2012 or the Health Act 1956.

BUILDING means a temporary or permanent movable or immovable structure intended for the purpose for occupation by people, animals, machinery or chattels.

COMMERCIAL BUILDING means a building intended for commercial use, such as office buildings, warehouses or storage spaces, retail or others of this kind.

COUNCIL means the Invercargill City Council.

CITY means the City of Invercargill.

CITY COUNCIL and **COUNCIL** means the Invercargill City Council.

DERELICT means property or land that has been abandoned or is in a very poor condition as a result of disuse and/or neglect.

DISPOSE means to remove to a bona fide automotive dismantling or recycling facility or business.

DISTRICT PLAN means the Invercargill District Plan pursuant to the Resource Management Act 1991.

EAVES mean the part of a roof that meets or overhangs the walls of a building.

EXPIRY DATE means 28 days after the date of the service of the notice or any such other date as may be specified by the Council in any notice served.

LEGAL ROADWORTHY STANDARD means a vehicle that has both a Current Warrant of Fitness and Registration in terms of the Land Transport Act 1998.

LONG GRASS is grass that is over 25 cm long and is unkempt (unless it is within the Rural Sub Area).

MIND ALTERING SUBSTANCE means any glue, solvent, drug or other substance whether synthetic or naturally occurring which alters consciousness, mood or emotions, intoxicates or induces pleasurable sensations (but does not include alcohol or nicotine) and may cause persons seeking those effects to behave in a disorderly manner or give the appearance of acting in a drunken manner.

MOBILE TRADING includes:

- (a) Hawking or peddling
- (b) Trading from a mobile or travelling shop

NUISANCE means the interference to the enjoyment of land that is caused by an action or activity (or failure to action) by one or more persons that is harmful or annoying to others.

NOXIOUS PLANT means a Plant contained under the Regional Pest Plant Plan for the Southland Region (copies available from Environment Southland). In the affected area these are:

- (a) Boxthorn - *Lycium ferocissimum*
- (b) German Ivy – *Senecio mikanioides*
- (c) Lagarosiphon - *Lagarosiphon major*
- (d) Broom - *Cytisus scoparius*
- (e) Gorse - *Ulex europaeus*
- (f) Old Man's Beard - *Clematis vitalba*
- (g) Spartina - *Spartina anglica*

Further plants considered Noxious under this Bylaw are:

- (h) Blackberry - *Rubus fruticosus agg*
- (i) Convolvulus (Greater Bindweed) - *Calystegia silvatica*

- (j) Ragwort - *Senecio jacobaea*

OWNER / OCCUPIER means the occupier is the person who is in possession of the land and exercises day to day control over it and includes tenants. Owner is the registered proprietor of the land.

PUBLIC PLACE means a place:

- (a) that is under the control of the territorial authority; and
- (b) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (c) includes a road, whether or not the road is under the control of the territorial authority and
- (d) any part of a public place.

PUBLIC RIGHT OF WAY means public roads, footpaths and any other public access.

RESERVE means any park, garden, plantation, forest, open space or ground set aside for public recreation or enjoyment and which is controlled or administered by Council.

RURAL SUB AREA means the area defined as the Rural Sub Area in the Invercargill City District Plan.

SPOUTING means an open gutter attached to eaves.

VERANDAH means a permanent structure, constructed of weatherproof material, which is either cantilevered or supported on posts or pillars, which extends from the building façade, usually on the street frontage and at first floor level, and overhangs a footpath or other similar public pedestrian accessway or space.

1.3 FEES AND CHARGES

All fees and charges under this Bylaw are prescribed in Council's Annual Plan.

1.4 DISPENSING POWER

Council may on the application of any person grant dispensation to that person from full compliance with any of the provisions of this Bylaw if full compliance would needlessly or injuriously affect that person or the course or operation of that person's business or cause that person loss or inconvenience without any corresponding gain or benefit to the community.

1.5 NAME AND ADDRESS TO BE SUPPLIED

If it appears that any person is committing or has committed any offence under the provisions of this Bylaw the Council may require such person to desist from such offence and may require that that person supply his or her real name in full, and his or her residential address. If any person after being so required fails to supply such information or gives incorrect information that person commits a further offence against this Bylaw.

1.6 LICENCES HELD UNDER RESCINDED BYLAWS

All licences issued under any provision of any Bylaw hereby repealed shall after the coming into force of this Bylaw be deemed to have been issued under the corresponding provision of this Bylaw and be subject to its provisions, provided that the Council may notify the holder of any licence of an earlier date of termination than would have applied had this Bylaw not been passed and may require the holder to reapply for a licence under the provisions of this Bylaw.

1.7 APPEALS

In any case where the issue of a licence or permit or any consent or approval under this Bylaw has been refused or is revoked the applicant or holder of the licence as the case may be shall be entitled to appeal to the Council.

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2. MOBILE TRADING

2.1 PURPOSE OF PART 2

To licence and control mobile traders in public places under the control of the Council.

2.2 MOBILE TRADERS TO BE LICENSED

No person may engage in mobile trading without first obtaining a Mobile Trading Licence under this Bylaw. The holder of the licence shall observe the conditions recorded on the licence.

2.3 APPLICATIONS

All applications for a Mobile Trading Licence shall be made on the form supplied by the Council. The Council will require the applicant to provide such information as is necessary for proper consideration of the application, including but not limited to:

- (i) Vehicle warrant of fitness and registration;
- (ii) Electrical certificate;
- (iii) Road user certificate;
- (iv) LPG cylinder annual inspection certificate - from a registered craftsman gasfitter;
- (v) A copy of the applicant's public indemnity or liability insurance.

2.4 ISSUE OF LICENCE

The Council may issue a Mobile Trading Licence to any person on being satisfied that the person is a fit and proper person to hold such a licence by the applicant supplying (on request) the Council with evidence of their good character (personal/business reference/s), and that the proposed operation meets all of the requirements of the Council's Bylaw and any other applicable laws, Bylaws, regulations or rules made by a competent authority and that the fee fixed for issue of the licence has been paid. Police advice may be sought at Council's discretion regarding the suitability of any applicant.

The Council may include in licences such conditions as it thinks fit.

2.5 DURATION OF LICENCES

Mobile Trading Licences issued under this Bylaw shall be valid for not more than one year from their date of issue and if not revoked may be renewed by payment of a further annual fee.

The Mobile Trading Licence is not transferable to another person. If the business or vehicle is sold or transferred to another person, the Invercargill City Council must be notified within 14 working days. The new owner will be required to apply for a licence and will not be permitted to use the mobile or travelling shop until a licence is issued.

2.6 LICENCE TO BE CARRIED

The holder of a Mobile Trading Licence shall carry the licence at all times while engaged in mobile trading and shall show it to any Police Officer, or Authorised Officer on demand. The licence will apply only to the vehicle whose registration number is specified on the licence. The use of any other vehicle will not be permitted without prior written consent from the Council.

The Mobile Trading Licence is valid during the hours specified on the licence.

2.7 NUISANCE, ANNOYANCE OR DANGER TO ANY PERSON

The licensee or operator shall operate any mobile or travelling shop used in connection with the licence, in such a manner as to avoid causing any nuisance, annoyance or danger to any person.

2.8 LIABILITY INSURANCE

The licensee shall carry insurance cover to cover the direct damage to vehicles and public liability (Third Party Insurance) in connection with the vehicles.

2.9 NAME TO BE DISPLAYED

The name of the licensee and details of the products for sale shall be displayed on any stall or vehicle used in connection with the mobile trading.

2.10 HAZARDOUS SUBSTANCES

All LPG cylinders must be stored securely outside the mobile or travelling shop and total no more than 100kg LPG net content. If the mobile or travelling shop is likely to be unattended at any time while in a public place, the cylinders shall be secured against tampering.

2.11 TRADING LIMITS

- (a) Unless permission has been applied for and granted from the appropriate Council departments, the Council prohibits all holders of Mobile Trading Licences from trading in the following areas:
 - (i) Parks and Reserves, including car parks and roads in Reserves, and Wachner Place except with permission from Council's Parks Manager
 - (ii) Roading Manager – all roads including State Highways
 - (iii) Environmental Health - Restricted Areas including:
 - Within 300 metres of another premises selling similar products, or
 - Within 50 metres of any intersection or pedestrian crossing where people visiting the site may be placed in danger.
- (b) The licensee or operator of any mobile or travelling shop shall not stand or remain stationary in any public place or road except for such time as may be reasonably required for the transaction of business with customers on that

occasion, and in any case shall not remain stationary on any one site for a period exceeding two hours, nor stand on any one site more than twice in any eight hour period.

- (c) The licensee or operator shall when requested by any Police Officer or Authorised Officer of the Council, alter their position or move from place to place on any road or public place as directed.
- (d) Should the licensee or operator fail to comply with the provisions of Condition (b) or if the mobile or travelling shop owned or operated by him or under his control is left unattended in any road or public place it shall be lawful for any officer mentioned in Condition (c) to move the mobile or travelling shop to any safe position.

2.12 LITTER

The licensee or operator shall remove any litter from the surrounding area of the mobile or travelling shop that has been generated by the activities of his/her operations.

2.13 LICENCE MAY BE REVOKED

A Mobile Trading Licence may be revoked by the Council if:

- (a) The holder in connection with mobile trading, permits a breach of any provision of this Bylaw or any other law, Bylaw or regulation.
- (b) The holder fails to observe the conditions of the Mobile Trading Licence.
- (c) Permits any unlicensed person to operate as a mobile trader in connection with the mobile trading operation usually carried out by the licence holder.

2.14 SALES FROM BOATS EXEMPT

Nothing in this Bylaw shall apply to any sale of fish by the owner of a fishing vessel, provided that the fishing boat is registered under Section 103 of the Fisheries Act 1996 and in respect of which a boat fishing permit is for the time being in force, where he, or a person appointed by him in that behalf, sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit) from that boat at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place.

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3. ALCOHOL BAN

3.1 PURPOSE OF PART 3

For better crowd control, public safety and the prevention of the consumption, possession and bringing of alcohol in public places under the control of the Council.

3.2 OPERATION

The Council (subject to any licences or special licences that may be in force at any particular time) prohibits the consumption of, the bringing of and the possession of alcohol in the Alcohol Ban Affected Area during the hours and days of operation of the Bylaw.

3.3 ALCOHOL BAN AFFECTED AREA

The public place bounded by and inclusive of the following streets:

- Herbert Street from the corner of Herbert Street and Dee Street to the corner of Herbert Street and Kelvin Street.
- Kelvin Street from the corner of Herbert Street and Kelvin Street to the corner of Victoria Avenue and Kelvin Street but excluding Alice Street east of Kelvin Street.
- Victoria Avenue from the corner of Victoria Avenue and Kelvin Street east along Victoria Avenue to its termination and thence in a straight line to Queens Drive (so as to include the Gala Street Reserve) and Queens Drive south on to the intersection of Queens Drive and Tay Street.
- Elles Road from the intersection of Queens Drive and Tay Street to the corner of Elles Road and Tweed Street.
- Tweed Street from the corner of Tweed Street and Elles Road to the corner of Tweed Street and Liddell Street.
- Liddell Street from the corner of Liddell Street and Tweed Street to Leven Street, Leven Street on to Liffey Street.
- Liffey Street to its intersection on to Fox Street.
- Fox Street from the corner of Fox Street and Liffey Street to the corner of Fox Street and Dee Street.
- Dee Street from the corner of Dee Street and Fox Street to the corner of Dee Street and Herbert Street.

The Alcohol Ban Affected Area is to be adequately signposted to inform the community of their responsibilities.

3.4 HOURS AND DAYS OF OPERATION

The Alcohol Ban is in operation 24 hours of every day.

3.5 TEMPORARY ALCOHOL BAN

The Council may from time to time make a resolution:

- (a) prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods:
 - (i) the consumption or alcohol in a public place; or

- (ii) the bringing of alcohol into a public place; or
 - (iii) the possession of alcohol in a public place,
 - (iv) in conjunction with a prohibition relating to alcohol under paragraphs (i) to (iii) the presence or use of a vehicle in a public place.
- (b) within a specified place or places.

3.6 EXEMPTIONS

The exemptions set out in section 147(3) of the Local Government Act 2002 apply to this Bylaw. This Bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container:

- (a) The transport of that alcohol from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place.
- (b) The transport of that alcohol from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
- (c) The transport of that alcohol from outside a public place to premises that adjoin a public place:
 - (i) By, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) From those premises to a place outside the public place by a resident of those premises, provided the alcohol is promptly removed from the public place.

3.7 OFFENCES AND PENALTIES

Every person who breaches the Bylaw commits an offence and is liable on summary conviction to a fine, pursuant to Section 242(4) of the Local Government Act 2002.

3.8 POLICE POWERS

Pursuant to this Bylaw the Police have the following powers:

- (i) The power to arrest without a warrant a person contravening the Bylaw.
- (ii) The power to arrest without a warrant a person who refuses to leave the public place after requested to do so.
- (iii) The power to arrest without a warrant a person who refuses to surrender alcohol that is in their possession in breach of the Bylaw.
- (iv) The ability to search without a warrant a vehicle in, entering or about to enter the public place subject to the Bylaw for the purpose of ascertaining whether or not the vehicle contains alcohol.

- (v) The ability to search a container in the possession of any person in, entering or about to enter the public place, subject to the Bylaw, for the purpose of ascertaining whether or not the container contains alcohol.
- (vi) The ability to seize and remove alcohol and its container if the alcohol is in the public place in breach of the Bylaw.

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4 SOLVENT ABUSE

4.1 PURPOSE OF PART 4

For the prevention of harm to individuals and for public safety in public places under the control of the Council.

4.2 PROHIBITION

No person shall knowingly in any public place, consume, inject, inhale or sniff any Mind Altering Substance, except as prescribed for that person for a medical condition, which may cause that person to behave in a disorderly manner or give the appearance of the person acting in a drunken manner.

4.3 OFFENCES AND PENALTIES

Every person who breaches the Bylaw commits an offence and is liable on summary conviction to a fine, pursuant to Section 242(4) of the Local Government Act 2002.

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5. UNTIDY BUILDINGS, SECTIONS AND ABANDONED VEHICLES

5.1 PURPOSE OF PART 5

To promote and maintain public health and safety by protecting the public from nuisances caused by abandoned vehicles, long grass, noxious plants, overgrown vegetation, items likely to harbour vermin, leaking or derelict buildings and or verandahs.

5.2 OPERATIONAL PROVISIONS

- (a) Long grass and/or noxious plants on land within the affected area irrespective of whether the land is disused, used, vacant, developed or otherwise must be cut down and removed.
- (b) Owners and/or occupiers of land upon which trees or shrubs or other plants are situated and overhang and cause obstruction to public rights of way, must trim the trees, shrubs or other plants so that they are a minimum of 2.5 metres above the public right of way.
- (c) Owners and / or occupiers must not store items on land that are, or may become a fire danger and/or provide harbourage for vermin. Such items include but shall not be limited to disused vehicle bodies, automotive parts, building waste, refuse and abandoned items of furniture.
- (d) An abandoned vehicle must not remain on land where it can become a hazard to public health and/ or a public nuisance.
- (e) Owners and / or occupiers of commercial buildings must not allow their buildings to be in such a state that they cause public nuisance.
 - (e)(i) Verandahs over a public right of way must not be in such a state so as to allow water to overflow onto the public right of way.
 - (e)(ii) The verandahs shall be maintained to prevent harbourage for vermin or the nesting of birds.
 - (e)(iii) All building spouting including that of a verandah must be maintained to prevent blockages that would cause water to overflow, other than in the ordinary course of events.
- (f) Authorised Officers – all officers authorised under s. 174 or s. 177 or paragraph 32 of schedule 7 of the LGA, shall possess and produce on request warrants of authority and evidence of identity.
- (g) Any authorised officer may enter at any reasonable time any property believed to contain elements that contravene or may contravene this Bylaw and may take any photographs or other evidence necessary to establish that a breach of the Bylaw has occurred.

5.3 NOTICE

Council may serve upon the owner and/or occupier of any land within the affected area a Notice in writing requiring the owner and/or occupier prior to the expiry date to:

- (a) Cut down, remove and generally clear the land from all long grass and/or noxious plants; and/or
- (b) Trim trees or shrubs or other plants overhanging and causing obstruction to a public right of way, so that the trees or shrubs or other plants are a minimum of 2.5 metres above the public right of way; and/or
- (c) Remove trees or shrubs or other plants overhanging and causing obstruction to the public right of way; and / or
- (d) Remove items that are or may become a fire danger and/or provide harbourage for vermin; and/or
- (e) Dispose of an abandoned vehicle or bring an abandoned vehicle to a legal roadworthy standard.
- (f) Remove any blockages within the spouting that affects overflow onto the public right of way; and / or
- (g) Fix and / or repair the verandah to prevent the harbourage of vermin or nesting of birds.

5.4 COUNCIL MAY COMPLETE THE WORK

If any person on whom a Notice has been served under Clause 5.4 fails or neglects to do any act or thing specified in the Notice prior to the expiry date or fails or neglects to do any act or thing in such manner as may be so specified in the Notice prior to the expiry date the Council may without further notice to the person served do that act or thing or complete the requirements of the Notice.

5.5 COUNCIL MAY RECOVER ITS COSTS

If any work is carried out by the Council or its agent on any land pursuant to 5.4 above then the full cost of undertaking any work including all labour, materials and other charges incurred shall be recovered from the registered proprietor of the land. The Council may also register these costs as a charge upon the land pursuant to the Statutory Land Charges Act 1928.

5.6 APPEAL OF NOTICE

Within seven days after service of any Notice of this Bylaw, the person on whom the Notice is served may apply to the District Court for an Order setting aside the Notice. The Notice will be deemed to be suspended until determination is made by the District Court.

If the District Court determines the Notice is valid then the person served shall have 28 days to complete the work specified in the Notice. If after 28 days the work has not been completed the Council may enter upon the land to complete the work and recover costs as described above in Clauses 5.5 and 5.6.

5.7 OFFENCES AND PENALTIES

Every person who breaches the Bylaw commits an offence and is liable on conviction to a fine, pursuant to Section 242(4) of the Local Government Act 2002.

Invercargill City Council

Bylaw 2008/6 – Water Supply

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1. **TITLE**

A Bylaw of the Invercargill City Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and all other Acts, powers and authorities enabling it in that behalf to make a Bylaw to be known as the Invercargill City Council Bylaw 2008/6 – Water Supply.

2. **COMMENCEMENT**

This Bylaw shall come into force on 1 July 2008.

3. **APPLICATION OF BYLAW**

This Bylaw shall apply to the Invercargill City Council.

4. **SCOPE**

This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers by the Water Supply Authority (WSA). The supply and sale of water by the WSA is subject to:

(a) Statutory Acts and Regulations

- (i) Building Act 2004.
- (ii) Fire Service Act 1975.
- (iii) Health (Drinking Water) Amendment Act 2007.
- (iv) Local Government Act 2002.
- (v) Local Government (Rating) Act 2002.
- (vi) Resource Management Act 1991.

(b) Relevant Codes and Standards

- (i) Drinking Water Standards for New Zealand 2005. (Revised 2008)
- (ii) BS EN 14154-3:2005 Water meters. Test methods and equipment.
- (iii) SNZ PAS 4509:2008 New Zealand Fire Service fire fighting water supplies code of practice.
- (iv) Water New Zealand Good Practice Guide: Water metering of Customers on Reticulated Supplies
- (v) Water New Zealand Boundary Backflow Prevention for Drinking Water Supplies 2012
- (vi) Invercargill City Council Code of Practice for Land Development

5. **INTERPRETATION**

When interpreting this Bylaw use the definitions set out in Section 6 unless the context requires otherwise. If you see a reference to a repealed enactment read that as a reference to its replacement.

For the purpose of this Bylaw, the word “shall” refers to practices that are mandatory for compliance with this Bylaw, while the word “should” refers to practices that are advised or recommended.

6. **DEFINITIONS**

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply:

Approved means approved in writing by the WSA, either by resolution of the Council or by any Authorised Officer of the WSA.

Backflow means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

Connection Box or "Meter Box" means the service valve, meter (when fitted) and associated fittings installed and maintained by Council on the service pipe.

Council means the Invercargill Council or any officer authorised to exercise the authority of the Council.

Customer means a person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA.

Detector check valve means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

Extraordinary supply means a category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

Fees and charges means the list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the LGA 2002 and the Local Government (Rating) Act 2002.

Level of service means the measurable performance standards on which the WSA undertakes to supply water to its customers.

On demand supply means a supply which is available on demand directly from the point of supply subject to the agreed level of service.

Ordinary supply means a category of on demand supply used solely for domestic purposes.

Person means a natural person, corporation sole or a body of persons whether corporate or otherwise.

Point of supply means the point where the responsibility for ownership and maintenance of the service pipe passes from Council to customer. Where the connection box is on public land, the point of supply is where the service pipe crosses the property boundary. When the connection box is on private land:

- For connections off the Braxholme and Bluff supply mains, the point of supply is at the meter, or if none is fitted, the service valve.
- For connections off the urban distribution system, the point of supply is where the service pipe crosses the street property boundary.

Potable means as defined in section 69G of the Health Act 1956 [*and amended by the Health (Drinking Water) Amendment Act 2007*].

Premises means to include the following:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

Public notice means as defined in the Local Government Act 2002.

Restricted flow supply means a type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.

Restrictor means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

Roading authority means a territorial authority or Transit New Zealand.

Service pipe means the section of water pipe between a water main and the point of supply.

Service valve (Toby) means the valve at the customer end of the service pipe.

Storage tank means any tank having a free water surface.

Supply pipe means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

Water supply authority (WSA) means the operational unit of the Council responsible for the supply of water.

Water supply system means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

Water unit means the basis of measurement for a restricted flow supply and equal to a volume of 365 m³ delivered at the rate of 1 m³ per day.

7. PROTECTION OF WATER SUPPLY

7.1 Water supply system

7.1.1 Access to system

No person other than the WSA and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to 8.1, and to operate the service valve.

7.1.2 *No person to connect to, or interfere with a water supply system*

Except as set out in 7.1.1, 7.1.3 and 7.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

7.1.3 *Fire hydrants*

Only the attending Fire Service/s shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training, and testing.

7.1.4 *Other uses*

The right to gain access to, and draw water from the water supply for uses other than firefighting (for example, flow testing or pipe flushing) shall be restricted to:

- (a) The WSA or its agents;
- (b) Permit holders, being those persons who after having submitted an application to the WSA are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the WSA may remove and hold any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.

7.1.5 *Working around buried services*

The WSA shall keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.

Any damage which occurs to a WSA service shall be reported to the WSA immediately. The person causing the damage shall reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

8. CONDITIONS OF SUPPLY

8.1 Application for Supply

8.1.1 *Initial application*

Every application for a supply of water shall be made in writing on the standard WSA form accompanied by the prescribed charges. The applicant shall provide all the details required by the WSA.

On receipt of an application the WSA shall, after consideration of the matters in 8.4 and 8.5, either:

- (a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or

- (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

For the agreed level of service to the applicant, the WSA should determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The WSA shall supply and install the service pipe up to the point of supply at the applicant's cost or may allow the supply and installation of the service pipe to be carried out by approved contractors.

The applicant shall have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.

An approved application for supply which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the WSA.

8.1.2 *Change of use*

Where a customer seeks a change in the level of service or end use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type (see 8.4) or vice versa, a new application for supply shall be submitted by the customer.

8.1.3 *Prescribed charges*

Charges applicable at the time of connection may include:

- (a) Payment to the WSA for the cost of the physical works required to provide the connection;
- (b) A development contribution charge determined in accordance with the Local Government Act 2002;
- (c) A financial contribution charge determined in accordance with the Resource Management Act 1991.

8.2 **Point of supply**

8.2.1 *Responsibility for maintenance*

The WSA shall own and maintain the service pipe and fittings up to the point of supply. The customer shall own and maintain the supply pipe beyond the point of supply.

8.2.2 *Single ownership*

For individual customers the point of supply, unless otherwise specified, shall be where the service pipe enters the premises at its street frontage or defined right of way to street frontage. Other positions shall require specific approval.

For each individual customer there shall be only one point of supply, unless otherwise approved.

8.2.3 *Multiple ownership*

For the different forms of multiple ownership of premises and/or land as described below:

- (a) For Company Share/Block Scheme (Body Corporate) – as for single ownership;
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – as for single ownership. They shall be treated collectively as one customer with one point of supply, unless otherwise proved.

8.3 Access

8.3.1 *Rights of access*

Where a meter is on private property the customer shall allow the WSA access between 7.30 am and 6.00 pm on any day.

Outside these hours (such as for night time leak detection) the WSA shall give notice to the customer.

Where access is not made available for any of the above times and a return visit is required by the WSA, a rate may be charged as for 'Meter reading by appointment'.

Under emergency conditions the customer shall allow the WSA free access to, and about the meter at any hour.

8.3.2 *Maintenance of access*

The customer shall maintain the area in and around the point of supply meter keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

8.4 Types of supply

8.4.1 *General*

Connections to WSA water supply system shall be granted according to "Connecting to Water Supply Statement of City Policy" adopted 17 September 1990.

Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

8.4.2 *On demand supply*

Every premises shall be entitled to an ordinary supply of water subject to the following conditions:

- (a) The exclusion of its use for garden watering under any restrictions made by the WSA under 8.7.3;
- (b) Payment of the appropriate charges in respect of that property;
- (c) Any other charges or costs associated with subdivisional development; and
- (d) Any other relevant conditions in section 8 of this Bylaw.

The WSA shall be under no obligation to provide an extraordinary supply of water (see also the provisions of 8.7 and 8.9.2).

8.4.3 *Restricted flow supply*

Restricted flow supply shall be available to premises within a designated area only, or under special conditions set by the WSA.

The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.

The WSA shall charge for the restricted flow supply by either:

- (a) The volume passing through a meter; or
- (b) The agreed number of water units.

8.4.4 *Ordinary use*

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517) and shall include:

- (a) Washing down a car, boat, or similar;
- (b) Garden watering by hand;
- (c) Garden watering by a portable sprinkler (subject to the provisions of 8.7.3);

8.4.5 *Extraordinary use*

Extraordinary use includes:

- (a) Domestic – spa or swimming pool, fixed garden irrigation systems,
- (b) Commercial and business;
- (c) Industrial;
- (d) Agricultural;
- (e) Horticultural;
- (f) Viticultural;
- (g) Lifestyle blocks (peri-urban or small rural residential);
- (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (i) Out of district (supply to, or within another local authority);
- (j) Temporary supply.

8.5 **Metering**

Currently the Invercargill City Council does not universally meter all water supplies and so:

An ordinary use of water shall not normally be metered (subject to the WSA reserving the right to fit a meter and charge where it considers water use is excessive, or for a meter to be fitted at the customer's request), and the cost of such use shall be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use shall normally be metered and charged for in accordance with 8.15. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.

If Invercargill City Council does adopt a policy to universally meter all supplies then:

Both ordinary and extraordinary use of water shall normally be metered and levied as rates, as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

8.6 Level of service

The WSA shall provide water in accordance with the level of service contained in the Long Term Council Community Plan. For those periods where the level of service allows noncompliance with the specified value(s), the WSA should make every reasonable attempt to achieve the specified value(s).

8.7 Continuity of supply

8.7.1 Supply

Due to practical and physical limitations the WSA cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but shall do its best to meet the continuity of supply levels of 8.6, subject to the exemptions contained in 8.7.3 and 8.7.4.

Where works of a permanent or temporary nature are planned which will affect an existing supply, the WSA shall consult with, or inform or give notice to all known customers likely to be substantially affected.

8.7.2 Uninterrupted service

If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

8.7.3 Demand management

The customer shall comply with any restrictions (including garden watering) which may be approved by the WSA to manage high seasonal or other demands. Such restrictions shall be advised by public notice.

Even when such restrictions apply the WSA shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

8.7.4 Emergency restrictions

During an emergency the WSA may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be advised by public notice. The WSA may enact penalties over and above those contained in these conditions to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the manager of the WSA subject to subsequent Council ratification.

8.7.5 *Maintenance and repair*

Wherever practical the WSA shall make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the WSA may shut down the supply without notice.

8.8 **Liability**

The WSA shall endeavour to meet the level of service requirements of 8.6, but shall not be liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply. The WSA may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

8.9 **Fire protection connection**

8.9.1 *Connection application*

Any proposed connection for fire protection shall be the subject of a specific application (on the standard WSA form) made to the WSA for approval. Any such connection shall be subject to the conditions specified by the WSA.

8.9.2 *Design*

It shall be the customer's responsibility to ascertain in discussion with the WSA and monitor whether the supply available is adequate for the intended purpose.

8.9.3 *Fire protection connection metering*

Where the supply of water to any premises is metered the WSA may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter, provided that:

- (a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) A WSA approved detector check valve has been fitted on the meter bypass.

Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the WSA may require the supply to be metered.

8.9.4 *Fire hose reels*

Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503.

8.9.5 *Charges*

Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the WSA shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

8.9.6 *Ongoing testing and monitoring*

Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the WSA beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the WSA.

8.10 **Backflow prevention**

8.10.1 *Customer responsibility*

It is the customer's responsibility (under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the WSA's water supply from returning to that supply.

These include:

- (a) Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device;
- (b) The prohibition of any cross-connection between the WSA water supply and
 - (i) Any other water supply (potable or non-potable)
 - (ii) Any other water source
 - (iii) Any storage tank
 - (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

8.10.2 *Unmanaged risk*

Notwithstanding 8.10.1 the WSA may fit a backflow prevention device on the WSA side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed.

8.11 **WSA equipment and inspection**

8.11.1 *Care of water supply system*

The customer shall take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

8.11.2 *Inspection*

Subject to the provisions of the Local Government Act 2002, the customer shall allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

8.12 **Meters and flow restrictors**

8.12.1 *Installation*

Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the WSA, and shall remain the property of the WSA. Where on demand supplies are not universally metered, the WSA where it considers water use is unusually high, reserves the right to fit a meter at the customer's cost, and charge accordingly.

8.12.2 *Location*

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the WSA side of the point of supply.

8.12.3 *Accuracy*

Meters shall be tested as and when required by the WSA or as prescribed in OIML R49. The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is $\pm 2\%$, for temperatures from 0.3°C to 30°C and the maximum permissible error for the lower flow rate zone ($Q_1 < Q < Q_2$) is $\pm 5\%$. This accuracy shall be applied to all water meters with $Q_3 < 100 \text{ m}^3/\text{h}$ and may be applied to water meters with values of $Q_3 > 100 \text{ m}^3/\text{h}$. The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.

NOTE – Where Q is the flow rate:

Q1 is the minimum flow rate;

Q2 is the transitional flow rate;

Q3 is the permanent flow rate; and

Q4 is the overload flow rate as defined in OIML R49-1.

Any customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the WSA current fees and charges.

Meters shall be tested as prescribed in OIML R 49-2 and the test report shall be made available as prescribed in OIML R 49-3.

The variation in the error curve shall not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, shall apply.

The curves shall not exceed a maximum error of $\pm 6\%$ for flow rates in the lower zones and $\pm 2.5\%$ for flow rates in the upper zones.

Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than one hour at the expected minimum operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.

8.12.4 *Adjustment*

If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the WSA shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the WSA but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the WSA reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over-reading, the WSA shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

8.12.5 *Estimating consumption*

Should any meter be out of repair or cease to register, or be removed, the WSA shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.

The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage.

Where the seal or dial of a meter is broken, the WSA may declare the reading void and estimate consumption as described above.

8.12.6 *Incorrect accounts*

Where a situation occurs, other than as provided for in 8.12.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the WSA. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

Where an adjustment is required, in favour of the WSA or the customer, this shall not be backdated more than 12 months from the date the error was detected.

8.13 Plumbing system

Quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the WSA.

8.14 Prevention of waste

The customer shall not intentionally allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or wastage occurs.

The WSA provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved. The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

8.15 Payment

The customer shall be liable to pay for the supply of water and related services in accordance with the WSA fees and charges prevailing at the time.

The WSA may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

8.16 Transfer of rights and responsibilities

The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.

A supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.

In particular and not in limitation of the above any water which the customer draws from the WSA supply shall not be provided to any other party without approval of the WSA.

8.17 Change of ownership

In the event of a premises changing ownership the WSA shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the WSA five working days notice to arrange a final meter reading.

8.18 Disconnection at the customer's request

The customer shall give 20 working days notice in writing to the WSA of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.

9. BREACHES AND OFFENCES

9.1 Breaches of conditions of supply

The following are deemed breaches of the conditions to supply water:

- (a) An incorrect application for supply which fundamentally affects the conditions of supply (section 8);
- (b) Failure by the customer to meet and comply with the conditions of supply;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations specified in section 4(a);
- (d) Frustration of the WSA's ability to adequately and effectively carry out its obligations;
- (e) An act or omission including but not limited to any of the following:
 - (i) Failure to pay the appropriate charges by the due date
 - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused
 - (iii) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service
 - (iv) Failure to prevent backflow (see 8.10)
 - (v) Failure to comply with water use restrictions or prohibitions introduced by the WSA for any specified purpose
 - (vi) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the WSA
 - (vii) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved
 - (viii) Extending by hose or any other pipe a private water supply beyond that customer's property
 - (ix) Providing water drawn from the WSA supply to any other party without approval of the WSA.

In the event of a breach, the WSA shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the WSA reserves the right to reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the WSA.

In addition, if the breach is such that the WSA is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

9.2 Interference with equipment

Any tampering or interfering with WSA equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the WSA shall be entitled to estimate (in accordance with 8.12.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

9.3 **Offences and Penalties**

Every person who breaches the Bylaw commits an offence and is liable on summary conviction to a fine, pursuant to Section 242(4) of the Local Government Act 2002.

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APPENDIX 1

Referenced Documents

Reference is made in this document to the following:

New Zealand Standards

NZS 4503:2005	Hand operated fire-fighting equipment
NZS 4515:2003	Fire sprinkler systems for residential occupancies
NZS 4517:2002	Fire sprinkler systems for houses
NZS 4541:2003	Automatic fire sprinkler systems
NZS 9201: ----	Model general bylaws
Part 1	Introductory (in preparation)

International Publications

OIML R 49-1:2006	Water meters for the metering of cold potable water and hot water
Part 1	Metrological and technical requirements. Paris: Bureau International de Métrologie Légale
OIML R 49-2:2006	Water meters for the metering of cold potable water and hot water
Part 2	Test methods. Paris: Bureau International de Métrologie Légale
OIML R 49-3:2006	Water meters for the metering of cold potable water and hot water
Part 3	Test report format. Paris: Bureau International de Métrologie Légale

Other Publications

Ministry of Health. Drinking Water Standards for New Zealand, 2005.

New Zealand Water and Wastes Association (NZWWA). Backflow Code of Practice, 2006.

New Zealand Water and Wastes Association (NZWWA). Water Meter Code of Practice, 2003.

Related Document

AS/NZS 4020:2005	Testing of products for use in contact with drinking water
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Invercargill City Council

Bylaw 2008/3 – Cemeteries and Crematorium

(Incorporating Amendment that came
into force on 14 August 2010)

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1. **Short Title**

The Short Title of this Bylaw shall be the Invercargill City Council Bylaw 2008/3 - Cemeteries and Crematorium.

2. **Commencement**

This Bylaw shall come into force on 1 July 2008.

3. **Repeals**

This Bylaw repeals the Invercargill City Council Cemeteries and Crematorium Bylaw 2003.

This Bylaw covers all cemeteries and crematoria under the control of the Invercargill City Council – Southland Crematorium, Eastern Cemetery, Greenpoint Cemetery, Bluff [closed cemetery], St John's [closed cemetery].

4. **Interpretation**

(a) In this Bylaw, unless the context otherwise requires:

- (i) **"Act"** means the Local Government Act 2002.
- (ii) **"Authorised Officer"** means any person appointed or authorised by the Local Authority to carry out or exercise the duties of an Authorised Officer under this Bylaw.
- (iii) **"Cemetery Attendant"** means any person appointed by the Local Authority to control or manage or assist in the control and management of the Invercargill Cemeteries and Crematorium and to carry out burials as provided in this Bylaw.
- (iv) **"Local Authority"** means the Invercargill City Council or a Committee of the Invercargill City Council or Officer authorises to exercise the authority of the Invercargill City Council.
- (v) **"Vehicle"** has the same meaning as in Section 2 of the Land Transport Act 1998.

5. **Burials and Sale of Plots**

- (a) Burials may be made in any cemetery for the time being vested in the local authority or under its control and not closed in a manner provided by law in that behalf subject to the conditions prescribed in this part of this Bylaw.
- (b) Burial plots shall be sold upon such terms and conditions as may be decided by the local authority, including the setting of fees and charges.

6. **Provisions for All Interments**

- (a) No burial whatever shall be made in any cemetery without a burial warrant for that purpose obtained from an authorised officer.

- (b) In all cases of intended burials, the funeral director or person having the management or control of the same shall make application in the form approved by the Local Authority from time to time to an authorised officer for a warrant of such burial, and shall produce to an authorised officer such evidence of death as may be required; an authorised officer, for or on behalf of the local authority, is hereby authorised to grant such warrant in the form approved by the Local Authority from time to time.
- (c) No such warrant shall be issued until there shall have been paid the fee for interment specified in Council's Annual Plan. Provided, however, that in the case of an interment under the management or control of a funeral director, the authorised officer of the local authority may, at his discretion, waive the foregoing requirement as to prior payment and charge the cost of the same against the funeral director concerned on the basis of a monthly account, or such period as the authorised officer of the local authority decides.
- (d) Notification of the intended burial shall be given to the cemetery attendant at least eight working hours prior to the time fixed for the funeral, and no such burial shall take place until the delivery to the cemetery attendant of the said warrant has been made.

7. Warrant to be Authority to Cemetery Attendant

- (a) The burial warrant when received by the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall be sufficient authority to the cemetery attendant or assistant for such burial, and after such burial the cemetery attendant or assistant shall sign the certificate at the foot of such warrant.

8. Hours for Funerals

- (a) No funeral shall be held on any day except between the hours of 8.00 am and 5.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturday, or such other hours as the local authority by direction may determine.

9. Cemetery Attendant or Assistant Only to Dig Grave

- (a) No person other than the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall dig any grave in, or open the ground for burial in, any part of any cemetery. The minimum depth of cover for any coffin shall be not less than 800mm.

10. Burial of Ashes

- (a) Upon application being made in that behalf and the prescribed fees paid to the local authority the urn containing the ashes of any deceased person may be buried in the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.
- (b) No person other than the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall bury, or scatter or otherwise dispose of any ashes in any part of the cemetery grounds.

11. **Fees**

- (a) All fees under this Bylaw are specified in Council's Annual Plan.

12. **Purchase of the Exclusive Right of Burial**

- (a) That pre-purchase of right of burial be permitted with the plot allocated for the burial being made at the time of death – eg being the next available plot in the current burial area. The fees for the pre-purchase be kept in a special interest-bearing account to be withdrawn upon the burial of the client. The numbers of plots to be sold at any one time shall be left at the discretion of the local authority.
- (b) An agreement in the form approved by the Local Authority from time to time shall be entered into between the local authority and the purchaser, and the purchaser shall pay to the authorised officer the purchase money for such right of burial.
- (c) No burial shall take place in any plot in respect of which the right of burial shall be held by any person unless such person shall have consented to such burial in the form set out in in the form approved by the Local Authority from time to time or the funeral director has satisfied himself that such burial is authorised.

13. **Purchaser or Owner of Private Ground May Transfer**

- (a) Any purchaser or owner of the right of burial in any plot in which no burial shall have taken place may, with the consent of the local authority, transfer his or her interest in such ground to any other person upon payment to an authorised officer of such fee as the local authority by resolution decides.
- (b) Where such exclusive right of interment has been purchased the local authority may, in lieu of consenting to any such transfer, require the holder of such right to surrender the same to the local authority upon payment to such holder of the price paid by him for such right, or a sum bearing the same proportion to such price, as the area proposed to be transferred bears to the original area over which such right was purchased, and any such holder shall comply with any such requirements.

14. **Fencing, Tombstones, etc**

- (a) Owners of the exclusive right of burial plots in any cemetery other than a memorial park may surround the plots of ground allotted with kerbing in permanent materials. The highest part of such kerbing shall be not more than 300mm above the highest point of the terrain. Tombstones, headstones, or other monuments may be erected thereon.

Provided, always, that no such kerbing, tombstone, or other monument shall be erected, unless a plan or description or both as required shall have been submitted to an authorised officer and duly approved by him; and a permit issued therefore on payment of the fee prescribed in Council's Annual Plan.

- (b) All foundations for kerbs, tombstones, headstones, monuments, and vaults shall be laid to the satisfaction of the local authority and in compliance with sound engineering principles.

15. Keeping in Order

- (a) All kerbs, enclosures, tombstones, headstones, and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assigns.

Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all monuments, tablets, and fences or erections of any kind which shall fall into a state of decay or disrepair, may at any time be removed from the cemetery by order of the local authority subject to Section 9 of the Burial and Cremation Act 1964. In the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.

16. Shrubs and Trees

- (a) Shrubs planted in any portion of any cemetery may at any time be trimmed, removed, or cut down by the local authority.
- (b) No tree, shrub or other plant shall be planted in any cemetery by any person without the consent of the local authority being first obtained.

17. What Fees Cover

- (a) Council's fees do not include payment for any work required to be done beyond the actual digging of an ordinary grave and, after burial, filling in the same.

18. Levelling

- (a) Every person who encloses any plot of ground shall do all levelling required at his own cost and in accordance with the requirements of the local authority.
- (b) Every such person shall, without delay, remove from the cemetery all rubbish and earth not required in the filling in of the grave, or in connection with such levelling to a place approved by the cemetery attendant.

19. Vaults

- (a) Any person purchasing the exclusive right of burial in any plot of ground may, by permission of the local authority, excavate the same up to the boundaries of such plot for the purpose of constructing a vault.
- (b) Before any work is commenced towards the construction of any vault, the plans and specifications of the work connected therewith and an engineer's certificate shall be submitted to the Parks Manager for approval, and no work shall be commenced until such approval has been obtained in writing.

- (c) All vaults shall be lined throughout with masonry, with concrete or with stone set in Portland cement, mortar, or other approved material. The entrance to the vault shall be of such material as shall be approved by the Parks Manager. In all cases entrances shall be securely fastened, and all work in connection with the vault shall be done to the satisfaction of the Parks Manager.
- (d) A duplicate key of each vault shall be deposited and left with the cemetery attendant.
- (e) Coffins for vaults shall be lined with lead or other approved material, firmly and securely sealed; but coffins not lined as aforesaid may be laid in vaults and completely encased in cement concrete or other approved material so as to prevent the escape of offensive odours.
- (f) All labour, materials and tools required for constructing or excavating vaults shall be provided by the person constructing the vault.
- (g) All vaults shall be kept in proper order and repair by the owners thereof, or their representatives or assigns. If at any time any vault shall become out of proper order or repair, the local authority may give such owner or his executors, administrators, or assigns, or such person or persons as are the last-known owner or owners of the right of burial in the vault, three months' notice to repair the same by posting such notice to, or leaving such notice at, his or their last-known place of abode in New Zealand. If such owner or his executors, administrators, or assigns shall fail to do or cause to be done the required repairs within such three months, the local authority may prohibit any further interment in such vault until such repairs shall have been made, or at its option may effect such repairs and recover the cost thereof from such owner, his executors, administrators, or assigns, and any such owner or other person so making default shall be liable to prosecution for an offence against this part of this Bylaw.
- (h) All earth and rubbish thrown out when excavating for vaults shall be removed without delay by the person who applies for permission to construct such vault to a place approved by the cemetery attendant.

20. Deposit of Materials

- (a) No monumental mason or other person erecting or repairing any headstone, monument, fence, or other work in, on, or around any grave, or constructing or repairing any vault, in any cemetery shall make use of any footpath or other part of such cemetery for placing or depositing thereon any tools, planks, casks, or material in connection with the work of such erection, construction, or repair for a longer time than is reasonably necessary for the purpose of completing such work; any such mason or other person who, after service upon him of a notice in writing signed by an authorised officer, requesting the removal thereof within a time specified in such notice, shall neglect or refuse to remove any such tools, planks, casks, or material from such cemetery, shall be liable to prosecution for any offence against this part of this Bylaw.
- (b) No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in other approved manner.

- (c) The local authority may construct sheds or other buildings for the storage of tools, planks, casks, or other material belonging to such masons or other persons, and may make such charges for the use of the same and for the supply of turf, soil or of water or for such other services whatsoever as the local authority may from time to time fix by resolution.
- (d) If the local authority so requires, a deposit of \$500.00 shall be lodged with every application for a permit to carry out any work. Such deposit shall be refunded when the work has been completed to the satisfaction of the cemetery attendant.
- (e) If the local authority shall provide any such shed or building the local authority may require any such mason or other person to remove either from the cemetery or into such shed or building all tools, planks, casks, or other material, and any such mason or other person failing to comply with any such direction shall be liable to prosecution for an offence against this part of this Bylaw.

21. Vehicles

- (a) No person shall take any vehicle of any kind into any cemetery except between the hours of sunrise and sunset, or at such time as the local authority in any particular case by resolution decides.
- (b) No person shall permit any vehicle of any kind under his control to remain in any cemetery after sunset on any day without the permission of the local authority.
- (c) No person in control of any vehicle unless authorised by the local authority shall drive or conduct the same or permit the same to be on any part of any cemetery except the roads open for vehicular traffic.
- (d) No person shall drive or conduct any vehicle of any kind in any cemetery at a greater speed than 15 kph, or than indicated on any road within any cemetery.
- (e) All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- (f) Every person driving or conducting any vehicle in any cemetery shall stop or move such vehicle as directed by the cemetery attendant or assistant.
- (g) No person shall drive or conduct any vehicle in any cemetery except in the direction indicated by traffic notices.

22. Removal of Fences, Headstones, Plants etc

- (a) No monumental mason or other person shall, without permission of the local authority, remove from any cemetery or from any grave, any kerb, headstone, monument, or tablet.
- (b) No person shall, without authority, remove or take from any cemetery, or from any grave in any cemetery, any vase, wreath, plant, flower, or any other thing, except that the local authority may cause to be removed any neglected or broken material of this nature.

23. **Misconduct**

- (a) Cemeteries and crematoria are areas set aside for respectful contemplation. Visitors to any cemetery or crematorium shall behave in a way that is respectful of other visitors' needs and cultural practices.
- (b) No person shall, in any part of any cemetery or crematorium, by any violent or improper behaviour, prevent, interrupt, or delay a funeral service.
- (c) No person shall, in any part of any cemetery or crematorium, behave in a manner which may adversely impact on other visitors' respectful contemplation. Such behaviour may include but is not limited to consumption of alcohol and/or food; littering; violent, aggressive, disrespectful or offensive behaviour; verbal abuse and/or excessive noise (human or mechanical).

24. **Soliciting of Orders**

- (a) No person shall, in any cemetery, advertise or solicit any order or custom from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed, or used in any cemetery.
- (b) Except at the specific request of a purchaser of plots or their representatives or assigns, no persons shall, in any cemetery, accept or take any such order or custom as aforesaid.
- (c) No commercial photographer shall, without the consent of the funeral director, or special permit in writing for the occasion from an authorised officer, attend any funeral for the purpose of taking photographs, including video footage.

25. **Interment Charges – Poor Persons**

- (a) Where application is made to the local authority for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the local authority a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by this part of this Bylaw, and that his relatives and friends are unable to pay the same. Such certificate shall be in the form as approved by the Local Authority from time to time. No headstone shall be allowed to be erected unless the authority's cost for purchase of plot and burial is paid for.

26. **Disinterment**

- (a) Where an application for a disinterment is received by a local authority, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees specified in Council's Annual Plan.

27. **Memorial Park (Berm or Garden) Cemeteries presently operating at Eastern and Greenpoint Open Cemeteries**

- (a) *Interments*

Interments may be made in ground in the cemetery set apart by the local authority for the purpose of a memorial park (berm or garden cemetery) and shown on a plan prepared by the local authority, but no fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by the local authority, and no kerbing shall be erected anywhere within the precincts of such memorial park cemetery.

(b) *Erection of Memorials*

- (i) Upon application being made in that behalf and the prescribed fees paid to the local authority, a memorial may cause to be erected in the following manner.
- (ii) The local authority shall construct or cause to be constructed a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability, ranging from 650mm if underground set on solid subsoil, to 1370mm if flush with surface on which base or platform foundation work for all memorials will be placed. The cost of the platform shall be included in the purchase price of the plot.
- (iii) Concrete or granite based work for all memorials shall not stand higher than 150mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of 544mm and shall, where required, allow insets for flower containers. If concrete, the base for the headstone shall be finished in grey cement.
- (iv) On surface berms (or platforms) a space of 75mm clear of such memorial foundation base shall be maintained, both front and back.
- (v) No erected memorial shall, at the head of the plot, be wider than 1m in the case of a single plot or 2m in the case of a double width (family) plot.
- (vi) No erected memorial shall, at the head of any plot, be higher than 1.5m. Such memorial shall comply with sound engineering principles. All structural materials used in the memorial shall exhibit high atmospheric corrosion-resistant properties and have a minimum predicted service life of fifty years. Any stone selected shall be sound, durable and of proven suitability.
- (vii) Memorials are permitted to be constructed from natural stone. Clear or frosted glass memorials, subject to design, will be approved by the Parks Manager. The memorial is permitted to be coloured. No memorial will be permitted if it is deemed offensive. The plans of any memorial shall be submitted to, and approved by, the local authority before the erection of any such memorial is permitted in accordance with the form as approved by the Local Authority from time to time.
- (viii) If a memorial is deemed inappropriate by the Parks Manager, an applicant may apply, in writing, for the application to be reconsidered by Council.
- (ix) In constructing bases and in erecting memorials, the adjoining roads, paths or allotments shall not be injured.

- (x) All memorials shall be kept in good repair by the purchaser of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of the local authority, and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.
 - (xi) Statues are permitted and subject to the same requirements as a headstone.
 - (xii) No memorials shall be permitted in the area designated for natural burials.
- (c) *Shrubs, Trees and Flowers*
- (i) No shrubs, trees or flowers shall be planted and maintained in the cemetery except such as shall be planted as and where directed by the local authority or its duly authorised officer.
 - (ii) In the burial area for children (up to and including ten years of age), block 40 at Eastern Cemetery, or any other block set aside solely for the burial of children, the next-of-kin may be permitted to carry out plantings of miniature shrubs or flower plants to a width of a maximum of 300mm from the front of the concrete beam.
- (d) *Vaults, and Brick or Walled-In Graves*
- (i) No vaults or brick or walled-in graves above ground shall be constructed in a memorial park cemetery.
- (e) *Vases or Containers*
- (i) All vases or containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by the local authority.
 - (ii) No person shall plant anything on any plot, except for as allowed under Clause 26 (c) (ii) of this Bylaw. During a period of two weeks or such other period as the local authority decides following interment, any wreath or other floral tribute may be placed on a plot, but shall be removed at the expiration of such period.
 - (iii) After such period of two weeks has expired, no person shall place on a plot any floral tribute except flowers and foliage, which shall be placed in a special receptacle of an approved type. Any such floral tribute may be removed by the cemetery attendant at any time after the fifth day from the latest interment in that plot.
 - (iv) The special receptacle hereinbefore referred to shall be installed adjoining any tablet or plaque on the side nearest the head of the plot.
 - (v) Every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.

- (vi) The cemetery attendant shall at any time remove damaged receptacles or receptacles of a type not approved by the local authority, and the cemetery attendant may also remove at any time dead flowers and/or dead foliage.

28. Cremation and the Crematorium

(a) *Compliance with Conditions Prior to Cremation*

- (i) No cremation shall take place in any crematorium maintained by the local authority unless the provisions of the Crematorium Regulations 1973 and of every regulation made in substitution therefor or in amendment thereof shall have been complied with.
- (ii) No cremation shall take place in such crematorium unless there shall first have been paid to an authorised officer the fees chargeable in respect of such cremation in accordance with the scale of fees as specified in Council's Annual Plan, and due notice given to the cemetery attendant, or by such other arrangement for the payment of fees as the authorised officer decides.

(b) *Urns for Ashes*

- (i) An approved urn containing the ashes of a deceased person may be left for 14 days from the date of the cremation free of charge. At the expiry of this period a monthly fee per specified in Council's Annual Plan shall be paid; but the local authority will not hold ashes on these terms beyond three months from the day of such cremation, and at the expiration of such three months may dispose of the ashes in accordance with the aforesaid regulations.

(c) *Casket Construction*

- (i) The casket containing any deceased person intended for cremation shall be made of an approved combustible material and the specification as to overall size shall be such as will be accepted by the incinerating process.
- (ii) Two persons properly concerned with the cremation of the deceased may see the casket placed in the receiving room after the service in the chapel.
- (iii) No inspection of the actual process of incineration shall be permitted.
- (iv) Without the consent of the cemetery attendant, no casket shall be opened after admission to the crematorium.

(d) *Miscellaneous Provisions*

- (i) No cremation shall be held on any day except between the hours of 8.00 am and 5.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturday, or such other hours as the local authority by direction may determine.

- (ii) Every application for cremation, together with all necessary certificates, shall be deposited with an authorised officer prior to cremation.
- (e) *Against Damage and Interference*
 - (i) No person shall –
 - In any way damage or injure the crematorium or any part thereof;
 - Paint, write, or carve on or in any way whatever disfigure the crematorium or any part thereof; or
 - Unlawfully or improperly interfere with, or interrupt the carrying out of, any cremation or of any service or ceremony in connection therewith.
- (f) *Burial of Ashes*
 - (i) Upon application being made in that behalf and the prescribed fees paid to the local authority, the urn containing the ashes of any deceased person may be buried, scattered or otherwise disposed of, in the special portion of the crematorium grounds set aside for that purpose.
- (g) *Cemetery Attendant or Assistant only to Bury Ashes*
 - (i) No person other than the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall bury, or scatter or otherwise dispose of any ashes in any part of the crematorium grounds.
- (h) *Fees*
 - (i) A search fee shall be payable for every inspection of the cemetery plan and records held at the office of the local authority, and where a signed extract is required the fee therefore shall be as prescribed in Council's Annual Plan.
- (i) *Plaques and Tablets on Plots*
 - (i) In the Crematorium grounds no person shall install or place any memorial plaque, memorial tablet, or other thing on any plot or place of burial without the prior permission in writing of an authorised officer and payment of the prescribed fee, and subject to compliance with the following conditions –
 - Any such memorial tablet or memorial plaque shall consist of permanent material as may be approved from time to time by the local authority.

29. Offences and Penalties

- (a) Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, pursuant to Section 242(4) of the Local Government Act 2002.

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SUBMISSIONS NOT BEING HEARD FOR BYLAW 2012/1 – URUPA (MAORI BURIAL SITE) TE HAU MUTUNGA

001	Te Ao Marama Inc.	<p>Submitter notes their submission is prepared on behalf of the four Rūnanga Papatipu in Murihiku:</p> <ul style="list-style-type: none"> • Te Rūnanga o Waihōpai • Te Rūnanga o Awarua • Oraka/Aparima Rūnaka • Hokonui Rūnanga <p>Ngā Rūnanga do not see issues with the proposed Bylaw amendments and supports the work undertaken by Council.</p>	<p>Submission noted.</p> <p>Council thank the four Rūnanga for their submission on the Bylaw.</p> <p>Kia ora rawa atu for all the mahi you do within the community and for your continued mahi alongside Invercargill City Council.</p>	No.
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October 26 2017

Attention: C A McIntosh

Invercargill City Council
101 Esk Street
Private Bag 90104
Invercargill

Tēnā Koe Cameron,

Thank you for the opportunity to comment on the proposed changes to the Urupā Te Hau Mutunga bylaw. Te Ao Marama Inc. have prepared this submission on behalf of four Rūnanga Papatipu in Murihiku being, Te Rūnanga o Waihōpai, Te Rūnanga o Awarua, Oraka/Aprima Rūnaka and Hokonui Rūnanga.

Ngā Rūnanga do not see any issues within the proposed review and as such this is a submission that supports the work undertaken by Council and proposed review.

Please let me know if you would like to discuss further.

Nāhaku, noa nā,

Stevie-Rae Blair
Junior Māori Environmental Advisor
Te Ao Marama Inc.
408 Tramway Road,
Invercargill, 9812.

Invercargill City Council

Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga

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1. **Short Title**

The Short Title of this Bylaw shall be the Invercargill City Council Bylaw 2012/1 - Urupa (Maori Burial Site) Te Hau Mutunga.

2. **Commencement**

This Bylaw shall come into force on 1 July 2012.

3. **Scope of This Bylaw**

This Bylaw regulates the Urupa Te Hau Mutunga Cemetery at 118 Mason Road, Invercargill. For the regulation of other cemeteries and the crematorium in the Invercargill District, please refer to the Invercargill City Council Bylaw 2008/3 - Cemeteries and Crematorium.

This Bylaw does not prevent or restrict the Local Authority from exercising any further powers, functions or duties in relation to the Urupa in accordance with the law.

This Bylaw is made under Part 8 of the Local Government Act 2002 to manage, regulate, protect, maintain and preserve the Urupa (Maori Burial Site) Te Hau Mutunga at Mason Road, Invercargill.

4. **Interpretation**

(a) In this Bylaw, unless the context otherwise requires:

- (i) "**Act**" means the Local Government Act 2002.
- (ii) "**Authorised Officer**" means any person appointed or authorised by the Local Authority to carry out or exercise the duties of an Authorised Officer under this Bylaw.
- (iii) "**Cemetery Attendant**" means any person appointed by the Local Authority to control or manage or assist in the control and management of the Invercargill Urupa and to carry out burials as provided in this Bylaw.
- (iv) "**Local Authority**" means the Invercargill City Council or a Committee of the Invercargill City Council or Officer authorises to exercise the authority of the Invercargill City Council.
- (v) "**Vehicle**" has the same meaning as in Section 2 of the Land Transport Act 1998.
- (vi) "**Urupa**" means that portion of cemetery land identified from time to time by resolution of the Local Authority as the Invercargill Urupa, which shall also be known as a Maori Burial Site.

- (b) For the avoidance of doubt, this Bylaw only applies to those parts of land set aside for the purposes of a Urupa (Maori Burial Site) situated at 118 Mason Road, Invercargill.

5. Burials and Sale of Plots

- (a) Burials may be made in the Urupa subject to the conditions prescribed in this part of this Bylaw.
- (b) Burial plots shall be sold upon such terms and conditions as may be decided by the Local Authority, including the setting of fees and charges.

6. Plan of Urupa and Register of Sales

- (a) The Local Authority shall keep a plan of the Urupa and a register to record the burials and the number of each plot in which the exclusive right of burial has been purchased.
- (b) The register will contain the name of the purchaser of an exclusive right of burial and the date of purchase. The plan and register for the Urupa shall be available for public inspection at the Eastern Cemetery office during office hours.

7. Provisions for All Interments

- (a) No burial whatever shall be made in the Urupa without a burial warrant for that purpose obtained from an Authorised Officer.
- (b) In all cases of intended burials, the funeral director or person having the management or control of the same shall make application in the form approved by the Local Authority from time to time to an authorised officer for a warrant of such burial, and shall produce to an authorised officer such evidence of death as may be required; an authorised officer, for or on behalf of the local authority, is hereby authorised to grant such warrant in the form approved by the Local Authority from time to time.
- (c) No such warrant shall be issued until there shall have been paid the fee for interment specified in the Invercargill City Council's Annual Plan. Provided, however, that in the case of an interment under the management or control of a funeral director, the Authorised Officer of the Local Authority may, at his discretion, waive the foregoing requirement as to prior payment and charge the cost of the same against the funeral director concerned on the basis of a monthly account, or such period as the Authorised Officer of the Local Authority decides.
- (d) Notification of the intended burial shall be given to the Cemetery Attendant at least eight working hours prior to the time fixed for the funeral, and no such burial shall take place until the delivery to the Cemetery Attendant of the said warrant has been made.

8. Warrant to be Authority to Cemetery Attendant

The burial warrant when received by the Cemetery Attendant or assistant or any other person for the time being duly authorised by the Local Authority, shall be

sufficient authority to the Cemetery Attendant or assistant for such burial, and after such burial the Cemetery Attendant or assistant shall sign the certificate at the foot of such warrant.

9. **Hours for Funerals**

No funeral shall be held on any day except between the hours of 8.00 am and 5.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturday, or such other hours as the Local Authority by direction may determine.

10. **Cemetery Attendant or Assistant Only to Dig Grave**

No person other than the Cemetery Attendant or assistant or any other person for the time being duly authorised by the Local Authority, shall dig any grave in, or open the ground for burial in, any part of the Urupa. The minimum depth of cover for any coffin shall be not less than 800mm.

11. **Burial of Ashes**

- (a) Upon application being made in that behalf and the prescribed fees paid to the Local Authority the urn containing the ashes of any deceased person may be buried in the special portion of the Urupa set aside for that purpose or in any plot subject to an exclusive right of burial.
- (b) No person other than the Cemetery Attendant or assistant or any other person for the time being duly authorised by the Local Authority, shall bury, or scatter or otherwise dispose of any ashes in any part of the Urupa grounds.

12. **Fees**

All fees under this Bylaw are specified in the Invercargill City Council's Annual Plan.

13. **Purchase of the Exclusive Right of Burial**

- (a) That pre-purchase of right of burial be permitted with the plot allocated for the burial being made at the time of death - eg being the next available plot in the current burial area. The fees for the pre-purchase be kept in a special interest-bearing account to be withdrawn upon the burial of the client. The numbers of plots to be sold at any one time shall be left at the discretion of the Local Authority.
- (b) An agreement in the form approved by the Local Authority from time to time shall be entered into between the local authority and the purchaser, and the purchaser shall pay to the authorised officer the purchase money for such right of burial.
- (c) No burial shall take place in any plot in respect of which the right of burial shall be held by any person unless such person shall have consented to such burial in the form set out in the form approved by the Local Authority from time to time or the funeral director has satisfied himself that such burial is authorised.

14. Purchaser or Owner of Private Ground May Transfer

- (a) Any purchaser or owner of the right of burial in any plot in which no burial shall have taken place may, with the consent of the Local Authority, transfer his or her interest in such ground to any other person upon payment to an Authorised Officer of such fee as the Local Authority by resolution decides.
- (b) Where such exclusive right of interment has been purchased the Local Authority may, in lieu of consenting to any such transfer, require the holder of such right to surrender the same to the Local Authority upon payment to such holder of the price paid by him for such right, or a sum bearing the same proportion to such price, as the area proposed to be transferred bears to the original area over which such right was purchased, and any such holder shall comply with any such requirements.

15. Keeping in Order

All tombstones, headstones and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assigns.

16. Shrubs and Trees

- (a) Shrubs planted in any portion of the Urupa may at any time be trimmed, removed, or cut down by the Local Authority.
- (b) No tree, shrub or other plant shall be planted in the Urupa by any person without the consent of the Local Authority being first obtained.

17. What Fees Cover

Invercargill City Council's fees do not include payment for any work required to be done beyond the actual digging of an ordinary grave and, after burial, filling in the same.

18. Deposit of Materials

- (a) No monumental mason or other person erecting or repairing any headstone, monument, or other work in, on, or around any grave in the Urupa shall make use of any footpath or other part of such cemetery for placing or depositing thereon any tools, planks, casks, or material in connection with the work of such erection, construction, or repair for a longer time than is reasonably necessary for the purpose of completing such work; any such mason or other person who, after service upon him of a notice in writing signed by an Authorised Officer, requesting the removal thereof within a time specified in such notice, shall neglect or refuse to remove any such tools, planks, casks, or material from such cemetery, shall be liable to prosecution for any offence against this part of this Bylaw.
- (b) No person shall make use of any footpath or roadway in the Urupa for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in other approved manner.

19. **Vehicles**

- (a) No person shall take any vehicle of any kind into the Urupe except between the hours of sunrise and sunset, or at such time as the Local Authority in any particular case by resolution decides.
- (b) No person shall permit any vehicle of any kind under his control to remain in the Urupe after sunset on any day without the permission of the Local Authority.
- (c) No person in control of any vehicle unless authorised by the Local Authority shall drive or conduct the same or permit the same to be on any part of the Urupe except the roads open for vehicular traffic.
- (d) No person shall drive or conduct any vehicle of any kind in the Urupe at a greater speed than 15 kph, or than indicated on any road within the Urupe.
- (e) All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- (f) Every person driving or conducting any vehicle in the Urupe shall stop or move such vehicle as directed by the Cemetery Attendant or assistant.
- (g) No person shall drive or conduct any vehicle in the Urupe except in the direction indicated by traffic notices.

20. **Removal of Fences, Headstones, Plants, etc**

- (a) No monumental mason or other person shall, without permission of the Local Authority, remove from the Urupe or from any grave, any kerb, headstone, monument, or tablet.
- (b) No person shall, without authority, remove or take from the Urupe, or from any grave in the Urupe, any vase, wreath, plant, flower, or any other thing, except that the Local Authority may cause to be removed any neglected or broken material of this nature.

21. **Misconduct**

- (a) Cemeteries are areas set aside for respectful contemplation. Visitors to the Urupe shall behave in a way that is respectful of other visitors' needs and cultural practices.
- (b) No person shall, in any part of the Urupe, by any violent or improper behaviour, prevent, interrupt, or delay a funeral service.
- (c) No person shall, in any part of the Urupe, behave in a manner which may adversely impact on other visitors' respectful contemplation. Such behaviour may include but is not limited to consumption of alcohol and/or food; littering; violent, aggressive, disrespectful or offensive behaviour; verbal abuse and/or excessive noise (human or mechanical).

22. **Soliciting of Orders**

- (a) No person shall, in the Urupa, advertise or solicit any order or custom from any other person for any work whatsoever to be done in or in connection with the Urupa, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed, or used in the Urupa.
- (b) Except at the specific request of a purchaser of plots or their representatives or assigns, no persons shall, in the Urupa, accept or take any such order or custom as aforesaid.
- (c) No commercial photographer shall, without the consent of the funeral director, or special permit in writing for the occasion from an Authorised Officer, attend any funeral for the purpose of taking photographs, including video footage.

23. **Interment Charges – Poor Persons**

Where application is made to the Local Authority for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the Local Authority a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by this part of this Bylaw, and that his relatives and friends are unable to pay the same. Such certificate shall be in the form as approved by the Local Authority from time to time. No headstone shall be allowed to be erected unless the authority's cost for purchase of plot and burial is paid for.

24. **Disinterment**

Where an application for a disinterment is received by a Local Authority, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees specified in the Invercargill City Council's Annual Plan.

25. **Memorial Park (Berm or Garden)**

(a) *Interments*

Interments may be made in ground in the Urupa set apart by the Local Authority for the purpose of a memorial park (berm or garden cemetery) and shown on a plan prepared by the Local Authority, but no fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by the Local Authority, and no kerbing shall be erected anywhere within the precincts of such memorial park cemetery.

(b) *Erection of Memorials*

- (i) Upon application being made in that behalf and the prescribed fees paid to the Local Authority, a memorial may cause to be erected in the following manner.
- (ii) The Local Authority shall construct or cause to be constructed a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability, ranging from 650mm

if underground set on solid subsoil, to 1,370mm if flush with surface on which base or platform foundation work for all memorials will be placed. The cost of the platform shall be included in the purchase price of the plot.

- (iii) Concrete or granite based work for all memorials shall not stand higher than 150mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of 544mm and shall, where required, allow insets for flower containers. If concrete, the base for the headstone shall be finished in grey cement.
- (iv) On surface berms (or platforms) a space of 75mm clear of such memorial foundation base shall be maintained, both front and back.
- (v) No erected memorial shall, at the head of the plot, be wider than 1m in the case of a single plot or 2m in the case of a double width (family) plot.
- (vi) No erected memorial shall, at the head of any plot, be higher than 1.5m. Such memorial shall comply with sound engineering principles. All structural materials used in the memorial shall exhibit high atmospheric corrosion-resistant properties and have a minimum predicted service life of fifty years. Any stone selected shall be sound, durable and of proven suitability.
- (vii) Memorials are permitted to be constructed from natural stone. Clear or frosted glass memorials, subject to design, will be approved by the Parks Manager on behalf of the Local Authority. The memorial is permitted to be coloured. No memorial will be permitted if it is deemed offensive. The plans of any memorial shall be submitted to, and approved by, the Local Authority before the erection of any such memorial is permitted in accordance with the form approved by the Local Authority from time to time.
- (viii) If a memorial is deemed inappropriate by the Parks Manager, an applicant may apply, in writing, for the application to be reconsidered by the Invercargill City Council.
- (ix) In constructing bases and in erecting memorials, the adjoining roads, paths or allotments shall not be injured.
- (x) All memorials shall be kept in good repair by the purchaser of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which shall fall into a state of decay or disrepair may at any time be removed from the Urupa by order of the Local Authority, and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.
- (xi) Statues are permitted and subject to the same requirements as a headstone.

(c) *Shrubs, Trees and Flowers*

- (i) No shrubs, trees or flowers shall be planted and maintained in the Urupa except such as shall be planted as and where directed by the Local Authority or its duly Authorised Officer.
- (ii) In the area set aside solely for the burial of children (up to and including ten years of age), the next-of-kin may be permitted to carry out plantings of miniature shrubs or flower plants to a width of a maximum of 300mm from the front of the concrete beam.

(d) *Vaults, and Brick or Walled-In Graves*

- (i) No vaults or brick or walled-in graves above ground shall be constructed in a memorial park cemetery.

(e) *Vases or Containers*

- (i) All vases or containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by the Local Authority.
- (ii) No person shall plant anything on any plot, except for as allowed under Clause 25(c)(ii) of this Bylaw. During a period of two weeks or such other period as the Local Authority decides following interment, any wreath or other floral tribute may be placed on a plot, but shall be removed at the expiration of such period.
- (iii) After such period of two weeks has expired, no person shall place on a plot any floral tribute except flowers and foliage, which shall be placed in a special receptacle of an approved type. Any such floral tribute may be removed by the Urupa Attendant at any time after the fifth day from the latest interment in that plot.
- (iv) The special receptacle hereinbefore referred to shall be installed adjoining any tablet or plaque on the side nearest the head of the plot.
- (v) Every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.
- (vi) The Cemetery Attendant shall at any time remove damaged receptacles or receptacles of a type not approved by the Local Authority, and the Cemetery Attendant may also remove at any time dead flowers and/or dead foliage.

26. **Offences and Penalties**

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, pursuant to Section 242(4) of the Local Government Act 2002.

TO: COUNCIL

FROM: DIRECTOR OF FINANCE AND CORPORATE SERVICES

MEETING DATE: TUESDAY 7 NOVEMBER 2017

SMOKEFREE AREAS POLICY

Report Prepared by: Anna Goble, Policy Analyst

SUMMARY

<p>Following the hearings and the recommendation being received that Council adopt changes to the Draft Smokefree Areas Policy on the 31st October 2017, the amended Smokefree Areas Policy (Appendix One) is prepared for consideration and adoption.</p>
--

RECOMMENDATIONS

That this report be received.

AND THAT

Council adopt the Smokefree Areas Policy.

IMPLICATIONS

1.	<p><i>Has this been provided for in the Long Term Plan/Annual Plan?</i></p> <p>Yes.</p>
2.	<p><i>Is a budget amendment required?</i></p> <p>No.</p>
3.	<p><i>Is this matter significant in terms of Council's Policy on Significance?</i></p> <p>No.</p>
4.	<p><i>Implications in terms of other Council Strategic Documents or Council Policy?</i></p> <p>The adoption of this policy would result in the creation of a new Council policy.</p>
5.	<p><i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i></p> <p>Pre-consultation has been undertaken by various groups for 18 months with Council completing their own consultation in August.</p>
6.	<p><i>Has the Child, Youth and Family Friendly Policy been considered?</i></p> <p>Yes – the adoption of this policy would align with this.</p>

FINANCIAL IMPLICATIONS

No financial implications arise from this report.

SMOKEFREE AREAS POLICY

The following recommendations have arisen from submissions, and with Council accepting these, Council staff have made the following changes:

- To designate areas within the CBD to be a 'smoking area' for those who wish to smoke would be a very difficult task for Council to undertake as it would involve creating and installing a bus-shelter like area and liaising with businesses to determine what area would be an appropriate space. Instead of doing this, Council staff recommend minimising the area that this policy would encompass at first to the area of Tay Street to Spey Street/Deveron Street to Dee Street, including Wachner Place.
- Council staff also acknowledge that some businesses currently allow their staff members to smoke at the back of their shop if this is out of the public eye, this is an appropriate mechanism and aligns with this policy as if it is out of sight it denormalises it in the public eye.
- Council staff would recommend reviewing this policy yearly to ensure that the area that the policy encompasses could extend to other areas of the community over time.
- Council staff would recommend including the Smokefree Parks and Reserves Policy in this Draft Smokefree Areas Policy, in time.
- Council staff would recommend including vaporizer and e-cigarette as part of the policy definition for 'smokefree'.
- Council staff would recommend that they work with the Smokefree Murihiku Coalition to contact all businesses in the affected area to make them aware of what help is available to any staff members who are smokers.
- Council staff would develop a Communication Strategy and provide smokefree signage alongside members of the Smokefree Murihiku Coalition.
- Council would undertake the offer from Keep New Zealand Beautiful to receive free cigarette butt bins that could be installed in areas around the CBD to help remove litter. Businesses that are also affected could receive one should they wish to install one.

The amended policy is attached at **Appendix One**.

WHERE TO FROM HERE?

Should this Policy be adopted, Council staff would then work with the Smokefree Murihiku Coalition to create a Communication Strategy and develop signage using the new CBD branding to be placed within the Smokefree boundary as detailed within the Policy.

The following sponsors have offered to contribute toward signage:

Public Health South	\$3000
Healthy Families	\$2000
Cancer Society	\$350

Council would also contact affected businesses and alert them to this Policy change. Council staff would work with the Smokefree Murihiku Coalition to advise business owners that there is smoking cessation help should any staff members require help.

Keep New Zealand Beautiful have also provided Council with cigarette butt bins, should these be requested these can be provided to businesses to install and empty themselves for free of charge.



Smokefree Areas Policy

07 November 2017

Purpose

The purpose of this policy is to ensure that Council is encouraging the development of a health community with a clean air environment.

This policy will aid in denormalising smoking for children and young people by reducing its visibility in public places and contribute to improved health and wellbeing by reducing smoking and the impacts of second-hand smoke.

Scope

Invercargill City Council is committed to working alongside the Central Government goal of a Smokefree Aotearoa 2025 by reducing the uptake of smoking. Council can aid in implementing change by denormalising smoking in areas around the City.

Definitions

Smokefree	Any smoking device such as cigarette, e-cigarette, vaporizer and others.
Smokefree Area	The boundary is from Tay Street to Spey Street/Deveron Street to Dee Street, including Wachner Place.

Smokefree Areas

The Invercargill city centre will become a smokefree area – this would encompass the area as attached at **Appendix A**.

This applies to all public accessways pertaining to commercial buildings (footpaths, doorways etc.) and facilities in the area; outdoor public areas; events organised and held within the area; outdoor dining areas and others.

Council's Responsibility and Implementation

This policy seeks to discourage smoking within the smokefree area and proposes to do so through the use of signage, promotion, marketing and working with entities within the area.

The focus of signage will be targeted in high density areas, areas where smoking is prevalent, and at the discretion of commercial buildings and facilities within the area.

Council acknowledge that some businesses allow their staff members to smoke at the back out of the public eye, this may continue so long as it is out of sight from the street face if in the affected area.

Revision History:	Nil
Effective Date:	07 November 2017
Review Period:	This policy will be reviewed every year, unless earlier review is required due to legislative change, or is warranted by another reason requested by Council.
New Review Date:	07 November 2018
Associated Documents / References:	Nil
Supersedes:	Nil
Reference Number:	A1974844
Policy Owner:	Strategy and Policy



Appendix A

Map of Smokefree Area



TO: COUNCIL

FROM: THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES

MEETING DATE: TUESDAY 7 NOVEMBER 2017

TEMPORARY ALCOHOL BAN AREA

Report Originally Prepared by: Catherine Humphreys – Licensing Inspector
Report resubmitted by: Michael Morris- Legal Advisor

SUMMARY

<p>The Council, by resolution under Clause 3.5 of Invercargill City Council Bylaw 2017.1 – Environmental Health, may impose a Temporary Alcohol Ban on Saturday 16 December 2017 from 10.00 am to 8.00 pm. This will be from the intersection of St Andrew Street and Racecourse Road to the Racecourse Road entrance of the Ascot Park Hotel, and on Yarrow Street between Racecourse Road and Derwent Street.</p>

RECOMMENDATION

It is recommended that:

Council impose a Temporary Alcohol Ban on 16 December 2017 from 10.00 am to 8.00 pm from the intersection of St Andrew Street and Racecourse Road to the Racecourse Road entrance of the Ascot Park Hotel, and on Yarrow Street between Racecourse Road and Derwent Street.

IMPLICATIONS

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> No.
2.	<i>Is a budget amendment required?</i> No.
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> None.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> If passed the resolution will be publicly notified.
6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> Yes.

FINANCIAL IMPLICATIONS

No financial implications arise from this report.

TEMPORARY ALCOHOL BAN AREA

Due to the Bylaw - Environmental Health has been reviewed and readopted it is recommended that this Temporary Ban be re-imposed to avoid any possible legal challenges as to its validity. The Report for the original Temporary Ban as went to Regulatory Services on 8 August 2017 follows and the recommendations do not change from it.

On 18 November 2014 an amendment to Bylaw 2008/1 – Environmental Health was adopted by Council. This amendment allows for the imposition of temporary alcohol bans on public roads surrounding events.

The Southland Racing Club Incorporated (Ascot Park Consortium) is holding their annual Christmas Race Meeting on 16 December 2017.

The New Zealand Police seek a Temporary Alcohol Ban on Saturday 16 December 2017 from 10.00 am to 8.00 pm (**Appendix 1**). The organisers of this event support the imposition of a Temporary Alcohol Ban (**Appendix 2**).

There will be a strict Traffic Management Plan in place during the event as well, including a complete road closure on Racecourse Road from 10.00 am to 7.00 pm.

Approximately 6,500 people are expected to attend this year and some may pre-load before the event and side-load during the event.

At the conclusion of the last race, the majority of the 6,500 people attending the event will attempt to exit the venue within a very short time frame. There will be up to 40 security guards on the gates as the crowd exits. Patrons are not allowed to remove alcohol from the premises, however with this number of people exiting the venue in a short time-frame, it is very hard for security to check every single person leaving the premises. People will likely try to consume the alcohol and dispose of the empty vessels in the street and by throwing them into private properties.

Pursuant to the Invercargill City Council Bylaw 2008/1 – Environmental Health, the Police have the following powers:

- (i) The power to arrest without a warrant a person contravening the Bylaw.
- (ii) The power to arrest without a warrant a person who refuses to leave the public place after requested to do so.
- (iii) The power to arrest without a warrant a person who refuses to surrender alcohol that is in their possession in breach of the Bylaw.
- (iv) The ability to search without a warrant a vehicle, entering or about to enter the public place, subject to the Bylaw for the purpose of ascertaining whether or not the vehicle contains alcohol.
- (v) The ability to search a container in the possession of any person in, entering or about to enter the public place, subject to the Bylaw, for the purpose of ascertaining whether or not the container contains alcohol.
- (vi) The ability to seize and remove alcohol and its container if the alcohol is in the public place in breach of the Bylaw.

The description for the proposed area for the Temporary Alcohol Ban Area is as follows:

From the intersection of St Andrew Street and Racecourse Road to the Racecourse Road entrance of the Ascot Park Hotel, and from Racecourse Road to Derwent Street on Yarrow Street.

A detailed map is included (**Appendix 3**).

The implementation of this Temporary Alcohol Ban will improve the amenity and good order of the area for the community, and assist the Police in reducing the harm caused by alcohol.

CONCLUSION

Staff members recommend that Council, by resolution, impose a Temporary Alcohol Ban on the following day, during the following hours, in the following location:

On 16 December 2017 from 10.00 am to 8.00 pm from the intersection of St Andrew Street and Racecourse Road to the Racecourse Road entrance of the Ascot Park Hotel, and from Racecourse Road to Derwent Street on Yarrow Street.



19 July 2017

To Whom It May Concern
Invercargill City Council
INVERCARGILL

**CHRISTMAS AS THE RACES
ENVIRONMENTAL HEALTH BYLAW 2008/1**

On Saturday the 16th of December 2017, The Southland Racing Club are holding their annual event "Christmas at the Races". This event is one of the most high risk alcohol abuse events that operates in the city. Up to 8,000 are expected to attend the event, which is targeted at both the Corporate Market and Public Persons.

Police, Public Health South and the Licensing Inspector have worked closely over a number of years with the organisers to improve the running of the event and ensure everyone has a good time, but not at the expense of large amounts of intoxication and annoyance to home and property owners in the area surrounding the course.

The event has no BYO Policy and all alcohol must be purchased on the course. Unfortunately this leads to some people consuming alcohol prior to the event (Champagne Breakfasts) drinking on the way to the event right up to their admission onto the course. Whilst most people that are arriving at the event abide by the conditions a number try to drink right up to the entry point and others try to smuggle their alcohol onto the course. Generally at this time of the day disorder is not an issue – however as the day progresses and intoxication levels rise, common sense seem to go out the window and disorder becomes an issue. Some try to leave the course with alcohol.

A number of Race Day attendees migrate to the Ascot Hotel, Eastern Suburbs Tavern and the Northern Tavern to continue their day, most walking and as is human nature want to continue drinking on the way. This leads to bottles, cans and rubbish being dumped on the street and thrown onto private properties.

Safer Communities Together

INVERCARGILL POLICE STATION

117 Don Street, P O Box 808, YX10223, Invercargill 9840, New Zealand
Telephone: (03) 211 0400 Facsimile: (03) 214 2512 www.police.govt.nz

Until the amendment to the Environmental Health Bylaw 2008/1 last year Police had very little power to prevent the carriage of alcohol to and from the event. This has been evidenced by the large amount of empty alcohol containers left at the entrance to the course. These include sparkling and still bottles of wine, beer RTD bottles and cans.

To assist with policing the event, Police seek the implementation of a Temporary Alcohol Ban around the area that is most effected by the alcohol consumption on those attending the event and those that attempt to leave the event with alcohol.

It is noted that for Health and Safety reasons a road closure will be in place during the day on Racecourse Road from St Andrew Street to Yarrow Street.

Police seek a Temporary Alcohol Ban on Saturday 16 December 2017 from 1000 hours to 2000 hours. The ban is to cover the area from the intersection of St Andrew Street and Racecourse Road to the Racecourse Road entrance to the Ascot Park Hotel, and from Racecourse Road to Derwent Street on Yarrow Street.

This ban does not affect the lawful carriage of alcohol to anyone living in the area or going to and from a private residence in the ban area. It only effects those attending the races.



MIKE BOWMAN
Inspector
Area Prevention Manager
Southland

APPENDIX 2



SCANNED
15 JUN 2017

Gallop South Incorporated
Ascot Park Racecourse
Tel: +64 3 218 7838
www.gallopsouth.co.nz
PO Box 893
Invercargill 9840
New Zealand | Email: andrea@gallopsouth.co.nz

Tuesday, 30 May 2017

Chief Executive
Invercargill City Council
Private Bag 90104
INVERCARGILL

To Richard,

SOUTHLAND RACING CLUB'S SUPPORT OF THE PROPOSED AMENDMENT TO THE LIQUOR BAN BYLAW

The Southland Racing Club has run its Christmas at the Races meeting for a number of years and it has proved to be highly successful, particularly as an event for businesses to host end of year Christmas functions. This year's event will be held on Saturday 16 December 2017.

As with previous years, there is a complete ban on BYO alcohol to the Ascot Park Racecourse. The Racing Club licenses the entire Racecourse venue, however we continue to see a large number of patrons who have pre-loaded with Champagne Breakfasts, etc and who also drink on their way to the event. We reserve the right of admission and deny entry to people who we deem as being too intoxicated. We have a robust Alcohol Management Plan in place and work closely with the Licensing Inspector, Police & Public Health South to help improve our event each year. We will have 40 hand picked security staff on-site to help monitor and control the crowd.

This year we are expecting a crowd of 6,500 people. At the conclusion of the Race meeting the majority of these 6,500 people will attempt to exit the Racecourse within a very short time frame to go back to their places of residence or onto other licensed premises. During this time, there is a heavy security presence at the Entry/Exit. We also encourage the Police to have a visible presence at this time. As these patrons are exiting the venue we do not allow them to take any leftover alcohol with them. However, with this volume of people there is always a possibility that we might miss some during the routine checks. These people will likely continue to consume this alcohol as they exit the area.

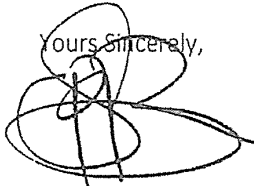
Each year we strive to improve the running of our event. For a number of years we have now had a Temporary Alcohol Ban in the immediate area outside of the race course which has assisted ourselves & Police in clearing the event in a manner that reduces disruption and litter to the residents of the area. Having a Temporary Alcohol Ban in place for our event would enable the Police to seize & remove any alcohol, or in a worst case scenario, arrest a person who refuses to surrender the alcohol and leave the area.

We are aware that our application for a Special License is being considered under the Sale and Supply of Alcohol Act 2012. We understand the importance that this legislation places on the amenity and good order of the area surround the event. With that, we appreciate any control that could be put in place by the Council to help us prevent any possible issues from happening.

We believe that this will only increase the success of this event for the city and the community as a whole.

The Southland Racing Club fully support any amendment to the Liquor Ban Bylaw that would allow a Temporary Alcohol Ban to be enforced in the immediate area outside our event.

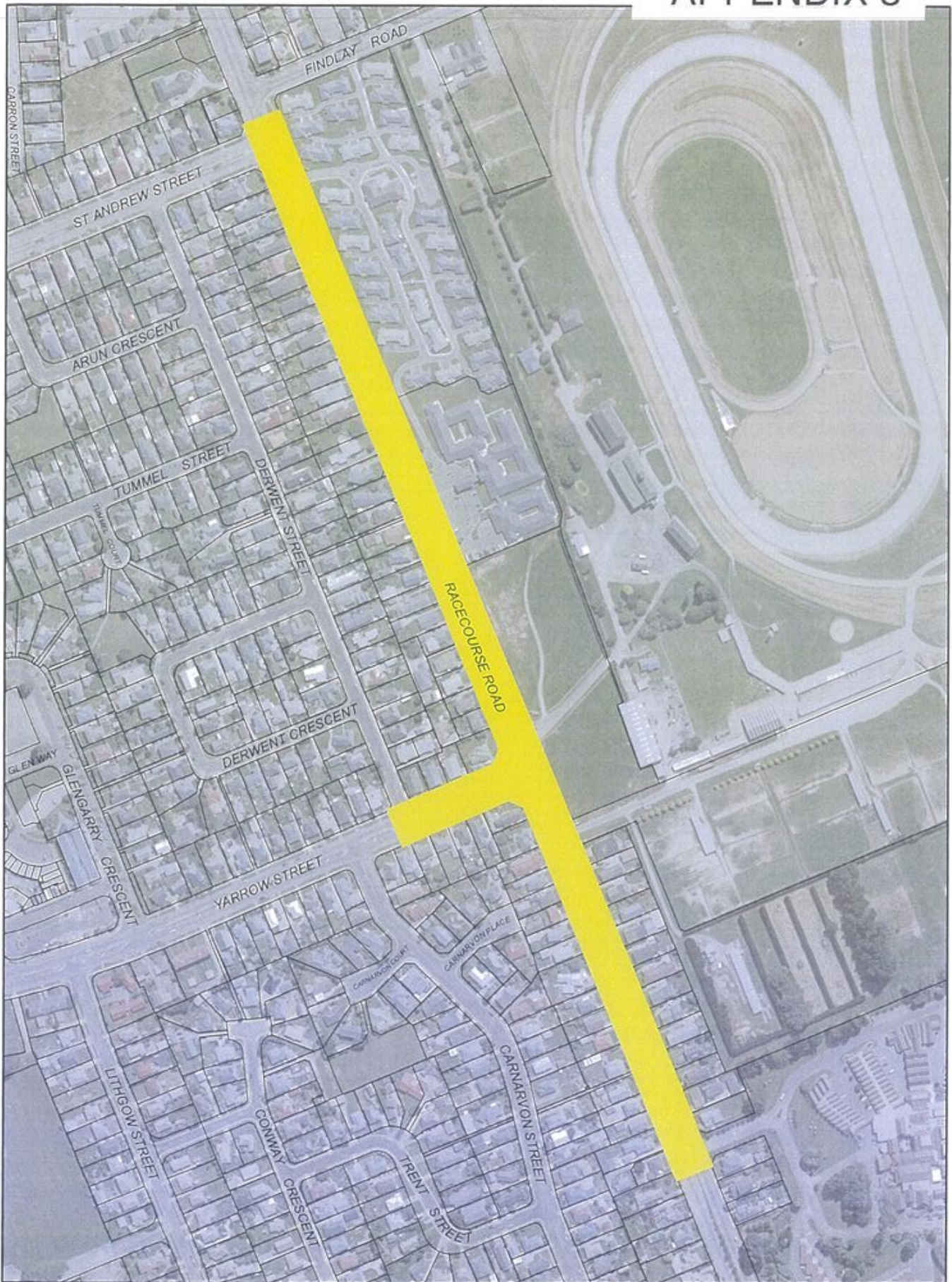
Yours Sincerely,



Sean Bellew
President
Southland Racing Club



APPENDIX 3



Temporary Alcohol Ban Area for Christmas at the Races



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